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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5429/2024**

AJAY CHADHA & ANR.

.....Petitioners

Through: Mr. Ajay Paul, Advocate with P-1 in person.

Kamlesh/P-2 appearing through VC.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for State.

Mr. Neeraj Kumar, Mr. Sanjeev Yadav & Mr. Sandeep Rathee, Advocates for R-2 with R-2 in person. ASI/I.O. Yog Dutt, Special Branch & S.I. Bunty Drall, PS KNK Marg, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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13.08.2024

CRL.M.A. 20782/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 5429/2024

3. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 308/2018 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) and Section 4 of the Dowry



Prohibition Act, at Police Station K.N. Katju Marg, Delhi.

4. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 13.04.2017 according to Hindu rites and ceremonies and no child was born from the said wedlock.

5. It is submitted that due to temperamental disparities between the petitioner No. 1 and the respondent No. 2, the parties has been residing separately for the last six years.

6. It is also submitted that on the complaint of respondent No. 2, an FIR bearing No. 308/2018 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station K.N. Katju Marg, Delhi, in which the Chargesheet has been filed and the charges have also been framed by the learned Trial Court.

7. It is submitted the respondent No. 2 filed Ct. Case No. 5278/2017 under Section 12 of the Protection of Women from Domestic Violence Act against the petitioners which is pending adjudication before learned Metropolitan Magistrate (Mahila Court), Rohini Courts, New Delhi.

8. The respondent No. 2 has also filed the Criminal Case bearing No. 48/2019 against the petitioners which is also pending adjudication before learned Metropolitan Magistrate (Mahila Court), Rohini Courts, New Delhi.

9. It is further submitted that during the pendency of the litigations, with the intervention of Mediator and respective counsels, the parties have amicably settled all the disputes and differences between them in the Mediation Centre, Rohini Courts, New Delhi *vide* Settlement Agreement dated 11.12.2023 which *inter alia* states that: -

- (i) That the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual



consent under Section 13(B) of Hindu Marriage Act, 1955,

(ii) That the petitioner No. 1 shall pay a total sum of Rs. 12,00,000/- to the respondent No. 2/wife towards full and final settlement against Istridhan and dowry, maintenance towards past, present and future,

(iii) That the first instalment of Rs. 1,00,000/- shall be paid by the petitioner No.1 to the respondent No. 2/wife at the time of recording of Statement of First Motion under Section 13(B)(i) of Hindu Marriage Act, 1955,

(iv) That the second instalment of Rs. 11,00,000/- shall be paid by the petitioner No.1 to the respondent No. 2/wife at the time of quashing of FIR,

(v) That the petitioner No. 1 shall withdraw the HMA No. 1495/2017,

(vi) That the respondent No. 2 shall withdraw all the pending cases filed against the petitioners,

(vii) That the parties shall not file any case against each other and their family members in future,

(viii) That both the petitioner No. 1 and the respondent No. 2 undertake not to interfere in the life of each other in future in any manner whatsoever.

10. It is also stated that the marriage between the petitioner No. 1 and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated 22.04.2024.

11. In view of the Settlement Agreement dated 11.12.2023, the present petition has been filed.



12. The petitioner No. 1 and the respondent No. 2/wife are present before this Court in-person today, whereas petitioner No. 2/Kamlesh is appearing through video conferencing and they have been identified by their counsel and Investigating Officer concerned.

13. The first instalment of Rs. 1,00,000/- has already been paid by the petitioner No. 1 to the respondent No. 2 at the time of recording of Statement of First Motion.

14. The second instalment of Rs. 11,00,000/- has been paid by the petitioner No. 1 today *via* Bankers Cheque bearing No. 772404, dated 29.05.2024, made in favour of respondent No. 2, drawn on State Bank of India, Shakur Basti Delhi Branch, and the same has been acknowledged by the respondent No. 2.

15. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 11.12.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

16. The present petition has been signed by the petitioners and is supported by their affidavits. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion. The parties shall remain bound by the terms of the settlement.

17. Today, the complainant/respondent No. 2/wife, who is present in the Court, states that she has received all the amounts due to her and has no objection if the FIR is quashed.

18. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be



served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

19. Moreover, there is no legal impediment in quashing the FIR in question.

20. Accordingly, FIR bearing No. 308/2018 registered at Police Station K.N. Katju Marg, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 along with Chargesheet and all consequential proceedings emanating therefrom are quashed.

21. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 13, 2024

S.Sharma