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

+ **CRL.M.C. 5446/2024**

LOVE & ORS.

.....Petitioners

Through: Mr. Vikrant Malik, Advocate with
petitioners through VC.

versus

THE STATE & ANR.

.....Respondents

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

Mr. Rohan Kumar, Advocate for R-2
with R-2 through VC.

S.I. Lalit Kumar, PS Bindapur, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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12.08.2024

CRL.M.A. 20854/2024 (Exemption)

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

CRL.M.C. 5446/2024

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. 941/2018 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Bindapur, Delhi.

4. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 20.05.2013 according to Hindu rites and ceremonies and two children were born from the said wedlock.

5. It is submitted that due to some differences, on the complaint of respondent No. 2, an FIR bearing No. 941/2018 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Bindapur, Delhi, in which



the Chargesheet has been filed and the charges have also been framed by the learned Trial Court.

6. It is submitted that during the pendency of the litigations, with the intervention of common friends, family members, relatives, well-wishers and other respectable members of the society, the parties have amicably settled all the disputes and differences between them in the Counselling Cell Settlement, Family Court, Dwarka Court, New Delhi *vide* Settlement Deed dated 12.12.2022 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. 3,00,000/- 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. 50,000/- shall be paid by the petitioner No.1 to the respondent No. 2/wife at the time of recording of Statement of First Motion,
- (iv) That the second 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 Second Motion,
- (v) That the third instalment of Rs. 1,00,000/- shall be paid by the petitioner No. 1 to the respondent No. 2/wife at the time of quashing of FIR,
- (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,

7. 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 05.09.2023.

8. In view of the Settlement Deed dated 12.12.2022, the present petition has been filed.

9. The petitioner No. 1 and the respondent No. 2/wife along with their two children are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

10. It is submitted that two children, namely, Sanvi and Raghav who are aged 10 years and 7 years respectively. Ms. Sanvi is presently in the custody of the petitioner No. 1 and Master Raghav is in the custody of respondent No. 2. It is further agreed between the parties that the custody of both the children will remain the same and the petitioner No. 1 and the respondent No. 2 shall have the visitation rights to meet their children as per their convenience.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 12.12.2022 and thus, no fruitful purpose will be served in continuing with the FIR.

12. However, without prejudice to the rights and contentions of the respondent No. 2 and the petitioner No. 1, they may have the visitation rights to meet the two children.

13. It is also submitted that the total amount of Rs. 3,00,000/- stands paid to the respondent No. 2 by the petitioner No. 1 and the same has been acknowledged by her.

14. The present petition has been signed by the petitioners and is



supported by affidavits of petitioners and respondent No. 2. 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.

15. Today, the complainant/respondent No. 2/wife, who is appearing through video conferencing, states that she has settled all the disputes with the petitioners and received all the amount due to her and has no objection if the FIR is quashed.

16. 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.

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

18. Accordingly, FIR bearing No. 941/2018 registered at Police Station Bindapur, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 along with Chargesheet and all consequential proceedings emanating therefrom are quashed.

19. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 12, 2024

S.Sharma