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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5531/2024**

MUKESH KUMAR & ORS.

.....Petitioners

Through: Mr. Kartik Kumar & Ms. Mani Sha,
Advocates with petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI THR. SHO AND ANR.

.....Respondents

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

Mr. Amar Singh, Ms. Neha Pandey &
Mr. Ashutosh Narayan, Advocates for
R-2 with R-2.

S.I. Ajeet Singh, PS Jagat Puri, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **22.07.2024**

CRL.M.A. 21109/2024 (*Exemption*)

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

CRL.M.C. 5531/2024

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. 260/2023 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Jagat Puri, Delhi.

4. Issue notice.
5. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
6. Mr. Amar Singh, learned counsel appearing on advance notice,



accepts notice on behalf of the respondent No. 2.

7. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 31.10.2017 according to Hindu rites and ceremonies and a boy child born from the said wedlock.

8. It is further submitted that on 21.04.2023 on the complaint of the respondent No. 2, an FIR bearing No. 0260/2023 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Jagat Puri Marg, Delhi.

9. It is submitted that during the pendency of the litigations, the parties have amicably settled all the disputes and differences between them *vide* Mediation Settlement dated 02.06.2023 in Mediation Centre, Shahdara District Karkardoma Courts, Delhi which *inter alia* states that: -

- (i) That the respondent No. 2/wife and the petitioner No. 1 shall dissolve their marriage by decree of mutual consent under Section 13(B) of Hindu Marriage Act, 1955,
- (ii) That the petitioner shall pay a sum of Rs. 3,50,000/- to the respondent No. 2/wife towards full and final settlement,
- (iii) That the first instalment of sum of Rs. 1,00,000/- shall be paid by the petitioner No. 1 to the respondent No. 2 at the time of recording of Statement of the First Motion under Section 13B(1) of the Hindu Marriage Act, 1955,
- (iv) That the second instalment of sum of Rs. 1,00,000/- shall be paid by the petitioner No. 1 to the respondent No. 2 at the time of recording of Statement of the First Motion under Section 13B(2) of the Hindu Marriage Act, 1955,
- (v) That the third instalment of Rs. 1,50,000/- shall be paid at the



time of quashing of FIR,

(vi) That the custody of son, Sagar shall remain with the respondent No. 2/wife and the petitioner shall have visitation rights to meet the child once in the last Sunday of every month for two hours at a mutually agreed place and time,

(vii) That all the pending cases against the petitioners shall be withdrawn by the respondent No. 2.

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 12.04.2023.

11. In view of the Mediation Settlement dated 02.06.2023, the present petition has been filed.

12. The petitioners and the respondent No. 2/wife are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

13. It is submitted that the petitioner No. 1 has already paid a sum of Rs. 2,00,000/- viz., the aforesaid two instalments.

14. Today, the petitioner No. 1 has paid the third instalment of Rs. 1,50,000/- to the respondent No. 2/wife in the Court *vide* Demand Draft No. 564886 for Rs. 1,50,000/-, dated 19.07.2024 made in favour respondent No. 2/Charu, drawn on Canara Bank, Sonapat Sector 14 Branch, Sonipat, Haryana, and the same has been accepted by the respondent No. 2.

15. The parties have submitted that all the disputes have been amicably settled *vide* Mediation Settlement dated 02.06.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

16. However, without prejudice to the rights and contentions of the



petitioner No. 1, he may seek custody of the child in accordance with law.

17. The present petition has been signed by all the petitioners and is supported by affidavits of petitioners and the respondent No. 2/wife. The parties have 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.

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

19. 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.

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

21. Accordingly, FIR bearing No. 260/2023 registered at Police Station Jagat Puri, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

22. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 22, 2024/NG