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

+ **CRL.M.C. 5546/2024 and CRL.M.A. 21163/2024**

ROHIT BHOT AND ORS

.....Petitioners

Through: Mr Varun Sakhuja, Ms Yamini Yadav, Mr Rajan Mishra and Mr Keshav Chaturvedi, Advocates with P-1 and P-3.

versus

THE STATE OF NCT OF DELHI AND ANRRespondents

Through: Ms Meenakshi Dahiya, APP for State with SI Naveen, PS Palam Village.

Ms Jyoti, Advocate with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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06.08.2024

CRL.M.A. 21163/2024

1. Exemption allowed, subject to just exceptions.

CRL.M.C. 5546/2024

2. The present petition has been filed seeking quashing of FIR No.235/2023 under Sections 498-A/406/34 of the Indian Penal Code, 1860 (IPC) registered at Police Station Palam Village, Delhi on the ground of settlement.

3. The petitioner No.1 is the husband of the respondent No.2 and the petitioners No.2 to 4 are family members of the petitioner No.1. The marriage of the petitioner No.1 and the respondent No.2 was solemnized on



9th December, 2017, as per Hindu rites and ceremonies. There is one girl child born out of the wedlock.

4. Temperamental issues between the parties resulted in filing of the present FIR by the respondent No.2 against the petitioners.

5. Now the parties have settled all their disputes before the Counselling Cell, Family Courts, South-West District, Dwarka, Delhi on 26th April, 2023. The Settlement dated 26th April, 2023 has been filed as Annexure P-4 to the petition. In terms of the settlement, a total sum of Rs.7,50,000/- was payable by the petitioners to the respondent No.2, out of which Rs.5,00,000/- has already been paid. A demand draft for Rs.2,50,000/- bearing No. 569971 dated 11th July, 2024 drawn on Punjab National Bank in favour of the respondent No.2 has been handed over to her in Court today.

6. Learned counsel for the respondent No.2 submits that the demand draft has wrongly been drawn in the name of 'Varsha Kumari', whereas it should have been drawn in the name of 'Varsha'.

7. Learned counsel for the petitioners submits that in the event, the aforesaid demand draft is not encashed, he will furnish a fresh demand draft in the name of 'Varsha' within three days of the respondent No.2's counsel informing him about the same.

8. Issue notice.

9. Notice is accepted by the learned APP appearing on behalf of the State and by the counsel for the respondent No.2.

10. The respondent No.2 is present in Court and has been identified by the Investigating Officer (IO). She informs the Court that she has settled the matter of her own free will and without any coercion. She further states that she has no objection to quashing of the FIR.



11. The petitioners are also present in Court and have been identified by their counsel. They affirm the statement of the respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties.

12. Considering the above settlement between the parties and the chances of conviction of the petitioner being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Hence, it would be in the interest of justice to quash the aforementioned FIR and the proceedings pursuant thereto.

13. Consequently, the FIR No.235/2023 registered at Police Station Palam Village, Delhi and the proceedings pursuant thereto are quashed, without prejudice to the rights of the minor child.

14. The petition stands disposed of.

AMIT BANSAL, J

AUGUST 6, 2024/PB