



\$~55

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5629/2024**
BIR SINGH SINCE DECEASED THROUGH PETITIONER NO.2
AND ORS

.....Petitioner
Through: Mr. P.S. Singh, Ms. Annu Singh, Ms.
Simran Singh, Mr. Mritunjay Kumar
Singh, Mr. Praneet Kumar and Mr.
Amrendra Kumar Singh, Advocates.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondent
Through: Mr. Satinder Singh Bawa, Ld. APP
for the State with SI Mahesh P.S.
Palam Village.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **09.08.2024**

CRL.M.A. 23670/2024 (Amendment of Order dated 24.07.2024)

1. An application has been filed in regard to Order dated 24.07.2024 vide which though the petition was directed to have been allowed, but apparently facts of another case have been passed.
2. Submissions heard.
3. Record perused.
4. Apparently facts of another case have been typed in the present petition. The necessary corrections be made in the Order dated



24.07.2024 to which learned APP for State has no objection. The Order is accordingly rectified as under :

- (1) A 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. 0247/2019, registered under Sections 406/498 A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as “IPC, 1860”*) at Police Station Palam Village.
- (2) Issue notice.
- (3) Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
- (4) Brief facts of the case are that the petitioners are resident of Sagarpur, New Delhi. The marriage of petitioner No.3 son of deceased petitioner No.1 was to be finalized with the daughter of respondent No.2 and a Roka Ceremony was arranged on 28.04.2017, where the relatives of both the parties were invited. With the consent of both the parties and their family members it was decided to solemnize the marriage on October 5, 2017. The Banquet hall was fixed, wedding cards were printed and distributed and all the necessary arrangements were going on. Petitioner No.4 is the elder and divorced daughter of deceased petitioner No.1 and petitioner No.2 and was residing with them. The parents of the girl with whom the marriage of petitioner No.3 was to be performed raised a bizarre demand that in order to solemnize the marriage the petitioners have to evict the petitioner no.4 and also to transfer their property in the name of their daughter. The demand of the parents of the girl was denied by the petitioners due to which the respondent No.2 father of the girl filed a false complaint with the Police at Police Station Palam Village against the petitioners under Section



498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961. The Charge sheet was filed in the Court by the police. The learned Trial Court after hearing the matter dropped the charges under Section 498-A Cr.P.C against the petitioners.

(5) It is stated that with the intervention of the family members and well wishers of both the parties, vide Memorandum of Settlement dated 26.03.2024 the matter was settled between the petitioners No.2 wife of deceased petitioner No. 1 and the respondent No. 2 father of the girl, wherein it was *inter alia* settled between the parties that they shall withdraw all their cases/cased/FIR filed against each other or family members filed before any civil, criminal or matrimonial Court. It is agreed that the petitioners will file the petition for quashing of FIR No.0247/2019 under Section 498(A)/406/34 IPC and Section 4 of Dowry Prohibition Act registered at P.S. Palam Village and the respondent No. 2 shall cooperate in quashing of the FIR. Both the parties have undertaken to abide and bound by the terms and conditions laid down in the Memorandum of Settlement dated 26.03.2024.

(6) In view of the Settlement Deed dated 26.03.2024, the present petition has been filed.

(7) The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned.

(8) The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 26.03.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

(9) The present petition has been signed by all the petitioners and is supported by their respective affidavits. The parties have reaffirmed the



terms of the settlement arrived at *vide* Settlement Deed dated 26.03.2024 and they also submit that the said Settlement Deed dated 26.03.2024 has been arrived at between the parties without any pressure and coercion.

(10) Today, the complainant/respondent No. 2, who is present in Court, states that he has no objection if the FIR is quashed.

(11) 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 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.

(12) Moreover, there is no legal impediment in quashing the FIR in question.

(13) Accordingly, FIR No. 0247/2019 for the offence punishable under Sections 406/498A/34 of IPC, 1860 and Section 4 of Dowry Prohibition Act, 1961 registered at Police Station Palam Village and all consequential proceedings emanating therefrom are quashed.

(14) The petition stands disposed of.

5. The Order dated 24.07.2024 is accordingly rectified.

6. It is hereby directed that whenever copy of Order dated 24.07.2024 is issued, this Order shall also accompany the same.

7. The application stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 9, 2024/va