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

+ **CRL.M.C. 5680/2024**

NITIN GARG & ORS.

.....Petitioners

Through: Counsel for petitioners with
petitioners (appearance not given).

versus

**STATE (NCT OF DELHI), THROUGH, THE SHO, PS BURARI,
DELHI & ANR.**

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with SI Sanjeev, PS Brurai.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **25.07.2024**

CRL.M.A. 21688/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 5680/2024

3. The 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. 41/2021, registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Burari.
4. Issue notice.
5. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.



6. Brief facts of the case are that the marriage was solemnized between petitioner No.1 and respondent No. 2 on 29.04.2018, according to Hindu rites and ceremonies and a female child was born out of the said wedlock.

7. It is further submitted that on 19.01.2021, on the complaint of respondent No. 2, an FIR No. 41/2021, registered under Sections 498A/406/34 of the IPC, got registered at Police Station Burari, Delhi.

8. It is stated that the petitioners and the respondent No. 2, have amicably settled all the disputes and differences between them and arrived at Settlement Deed dated 08.11.2023, before the Mediation Centre, Tis Hazari Courts, Delhi wherein it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated in the Settlement that the petitioner No. 1/husband shall pay a sum of Rs. 10,50,000/- towards full and final settlement of all the claims of the respondent No. 2/wife, in three instalments by way of DD/Pay Order. It is also stated that the petitioner No. 1 shall pay a sum of Rs. 2,50,000/- to respondent No. 2/wife, in first instalment, by way of DD/Electronic mode, in first motion and second instalment of Rs.2,50,000/- shall be paid by the petitioner No. 1 to the complainant, in second motion under Section 13B(2) of HMA Act and the third instalment of Rs.2,50,000/- shall be paid by the petitioner No. 1, to the complainant, at the time of withdrawal of case under Section 12DV Act and other cases and the remaining sum of Rs. 3,00,000/- shall be paid by the petitioner No. 1/husband, at the time of quashing of FIR No. 561/2023.

9. It is also stated that on 26.04.2024, the marriage between petitioner No. 1 and respondent No. 2, had been dissolved as per Hindu law.

10. In view of the Settlement Deed dated 08.11.2023, the present petition



has been filed.

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

12. It is stated that a sum of Rs.7,50,000/- has already been paid by the petitioner No. 1 to the complainant/wife and a cheque for a sum Rs. 3,00,000/-, i.e the balance amount, has been handed over to the respondent No. 2/wife, by the petitioner No. 1 today i.e. 25.07.2024 *vide* Bankers Cheque No. 803451 dated 25.07.2024, made in favour of the respondent No. 2/Ms. Vandana Bagga, drawn on Canara Bank, Azadpur Branch, NewDelhi-110033 and the same has been accepted by the respondent No. 2/wife.

13. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 08.11.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

14. 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 08.11.2023 and they also submit that the said Settlement Deed dated 08.11.2023 has been arrived at between the parties without any pressure and coercion.

15. 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.

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 No. 41/2021, registered under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

19. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 25, 2024/RS