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

+ **CRL.M.C. 5791/2024**

HIMANSHU BEDI & ORS.

.....Petitioners

Through: Mr. Sandeep Kumar, Advocate with
petitioners in person, except P-4.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

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

Mr. Amit Kumar, Advocate for R-2
with R-2 in person.

S.I. Vivek & ASI Deval, PS M.S.
Park, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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30.07.2024

1. 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. 0002/2023 registered under Sections 498A/406/506/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Mansarovar Park, Delhi.
2. Issue notice.
3. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Ms. Amit Kumar, learned counsel appearing on advance notice, accepts notice on behalf of the respondent No. 2.



5. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 28.11.2019 according to Hindu rites and ceremonies and one boy child was born from the said wedlock.
6. It is further submitted that in the year 2021, the respondent No. 2 lodged a complaint before CAW Cell, Delhi against the petitioners which was converted into FIR No. 0002/2023 under Sections 498A/406/506/34 of the IPC, 1860 and got registered at Police Station Mansarovar Park, Delhi.
7. Also, the respondent No. 2 filed a Criminal Complaint bearing DV Case No. 1322/2022 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the petitioners which is pending adjudication before the learned Metropolitan Magistrate, Karkardooma Courts, Shahdara Delhi, wherein it was decided between the petitioners and the respondent No. 2 that before the next date of hearing, the petitioner No. 1 shall move a quashing petition before this Court and the respondent No. 2 will withdraw the case on the next date of hearing i.e., 15.09.2024.
8. Moreover, the respondent No. 2 also filed a Maintenance Case bearing No. MT 482/2022 under Section 125 of Cr.P.C., 1973 against the petitioner No. 1 which is also pending adjudication before the learned Additional Principal Judge, Family Court, Karkardooma, Delhi, wherein with the efforts of the learned Additional Principal Judge, Family Court, Karkardooma, Delhi, the matter was compromised between the parties and both the parties had agreed to reconcile all their disputes and reside together and the statement to this effect was also recorded on 05.12.2023.
9. The petitioner No. 1 had also filed a Petition bearing GP No. 72/2022 under Section 25 of Guardian and Wards Act, 1890 against the respondent No. 2, however, the same had been disposed of *vide* Order dated 05.12.2023



passed by learned Judge, Family Court, Karkardooma, Delhi.

10. It is submitted that due to intervention of relative, friends and the counsels for the petitioners and the respondent No. 2, the parties have amicably settled all the disputes and differences between them *vide* Memorandum of Understanding dated 01.04.2024 which *inter alia* states that: -

- (i) That the petitioner No. 1 and the respondent No. 2 shall jointly file the petition seeking quashing of FIR before this Court,
- (ii) That both the parties have settled their dispute without any pecuniary consideration or exchange of assets,
- (iii) That the respondent No. 2 shall withdraw the Petition bearing No. 1322/2022 under Section 12 of Protection of Women from Domestic Violence Act,
- (iv) That in case of any dispute arising in future between the parties or the respondent No. 2 goes to her parental home, the petitioner No. 1 shall pay a sum of Rs. 15,000/- per month to respondent No. 2,
- (v) That all the parties have settled their disputes amicably and they shall not claim anything either monetary or tangible or intangible properties against each other in future,
- (vi) That the respondent No. 2 shall not claim any articles such as Stridhan, jewellery, permanent alimony (past, present and future) from the petitioner No. 1 as well as his parents after signing the present MoU,
- (vii) That if any party files any case/complaint against each other before any court or authority without having the knowledge of the same to other party, the same shall be treated as null and void,



(viii) That if any party backs out and violates the terms of MoU, the other party shall have the rights to initiate legal proceedings against the defaulting party.

11. It is also stated that the petitioner No. 1 and the respondent No. 2 has been living together since 07.08.2023.

12. In view of the Memorandum of Understanding dated 01.04.2024, the present petition has been filed.

13. The petitioners, except the petitioner No. 4/Mukesh Vedi, who is stated to be ill, 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.

14. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Understanding dated 01.04.2024 and are living peacefully and thus, no fruitful purpose will be served in continuing with the FIR.

15. The present petition has been signed by the petitioners and is supported by affidavit of petitioners. 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.

16. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has amicably settled all the disputes and has no objection if the FIR is quashed.

17. 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.

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

19. Accordingly, FIR bearing No. 0002/2023 registered at Police Station Mansarovar Park, Delhi, for offences punishable under Sections 498A/506/406/34 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

20. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 30, 2024

S.Sharma