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

+ **CRL.M.C. 5835/2024**

HEMANT AND ORS

.....Petitioners

Through: Mr. Pankaj Sachdeva and Mr. Amit
Nagar, Advocates.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with Mr. Sunpreet Singh,
Advocate with IO- ASI Joginder
Singh (main IO) and Inspector
Harkesh Meena and S.I. nagendra
Singh, PS Mahendra Park.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

05.08.2024

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CRL.M.A. 22305/2024 (Exemption)

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

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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, for quashing of FIR No. 277/2019 under Section 498-A/406/34 of the Indian Penal Code (*hereinafter referred to as "IPC, 1860"*), registered at Police Station Mahendra Park, 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. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 04.09.2016, according to Hindu rites and ceremonies and a female child was born out of the said wedlock.
7. It is further submitted that on 13.07.2019, on the complaint of respondent No. 2, an FIR bearing No. 277/2019, registered under Sections 498A/406/34 of the IPC, got registered at Police Station Mahendra Park, Delhi.
8. It is stated that the petitioner No. 1 and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement *vide* Memorandum of Understanding/Settlement Agreement dated 15.03.2024 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 has been settlement between the parties that the respondent No. 2 shall not be claiming any amount on account of alimony, past, present and future. It is also settled that they shall get dissolved their marriage by a decree of divorce by mutual consent. It is further settled that the petitioner No. 2 will withdraw the CC No. 4196/2019 under Section 12 of D.V. Act and Ex. P. No. 15/2023, pending in the Court of learned Metropolitan Magistrate, before filing of second motion at Rohini Courts. It is further stated that one daughter was born from their wedlock on 02.11.2017 and the parties have been residing separately since 26.08.2018 and the custody of the child has always been with the petitioner No. 1/husband. It has been agreed that the permanent custody of the child shall remain with the petitioner.



9. It is also stated that on 02.04.2024, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.
10. In view of the Settlement Agreement dated 15.03.2024, 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. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 15.03.2024 and thus, no fruitful purpose will be served in continuing with the FIR.
13. 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 Agreement dated 15.03.2024 and they also submit that the said Settlement Agreement/MOU has been arrived at between the parties without any pressure and coercion.
14. All the parties endorse the present Settlement and state that they shall remain bound by the terms of the Settlement dated 15.03.2024.
15. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has no objection if the aforesaid 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 bearing No. 277/2019 under Section 498-A/406/34 of the IPC, registered at Police Station Mahendra Park, Delhi and all consequential proceedings emanating therefrom are quashed. However, However, the settlement shall not impact the right of the child or of the respondent No. 2, to seek custody if the circumstances so warrant.

19. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 5, 2024/RS