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

+ **CRL.M.C. 5855/2024**

SH. ASHISH MISHRA & ORS.

.....Petitioners

Through: Mr. Saurabh Tyagi, Advocate with
Mr. Ashish Mishra, Mr. Paras Nath
Mishra and Mr. Santosh Mishra,
Advocates with petitioners.

versus

THE STATE GOVT OF NCT DELHI & ANR.Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with Mr. Sunpreet Singh,
Advocate with SI Sanjeev Lehri, PS
Burari.
Ms. Kratika Atray, Mr. Shivang
Chawla, Advocates with R2 in
person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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05.08.2024

CRL.M.A. 22391/2024 (Exemption)

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

CRL.M.C. 5855/2024

3. The Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'CrPC, 1973'*) has been filed on behalf of the petitioners for quashing of FIR No. 340/2020 under Section



498A/406/34 of the Indian Penal Code (*hereinafter referred to as 'IPC, 1860'*), dated 22.08.2020, registered at Police Station, Burari, Central District, Delhi, which is pending before the Court of learned Metropolitan Magistrate, Central District, Tis Hazari Courts, Delhi.

4. Issue notice.

5. Mr. Satinder Singh Bawa, learned APP accepts notice on behalf of the State.

6. Brief facts of the case are that the marriage was solemnized between the petitioner No. 1 and the respondent No. 2, on 07.12.2015, according to the Hindu Rites, Customs and Ceremonies at Delhi and no child was born out of the said wedlock. They started living separately from each other since 31.10.2016.

7. It is further submitted that on 22.08.2020, on the complaint of the respondent No. 2, an FIR No. 340/2020 under Section 498A/406/34 of the Indian Penal Code, dated 22.08.2020, has been registered at Police Station, Burari, Central District, 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 on 03.11.2023, before the learned Metropolitan Magistrate (Mahila Court)/Central/Delhi wherein it was *inter alia* settled between the parties that the petitioner No.1 shall pay a total sum of Rs.7,00,000/- towards full and final settlement of all the claims of the respondent No. 2/wife. It is further stated that the petitioner No. 1 will be paid Rs.3,00,000/- at the time of recording of first motion statement. It is further stated that the petitioner No. 1 will be paid Rs.2,00,000/- at the time of recording of second motion and the remaining amount of Rs.2,00,000/- shall be paid at the time



of quashing the Petition; the other cases filed by both the parties will be withdrawn after the first instalment and the expenses of the proceedings in quashing Petition will be borne by the accused persons.

9. It is stated that the petitioner No. 1 has already paid the first instalment of Rs.3,00,000/-, to the respondent No. 2, at the time of recording of their statement in the first motion Petition under Section 13-B(1) of the Hindu Marriage Act, 1955 *vide* HMA Petition No. 2329/2023, before the Court of learned Principal Judge, Family Court, Central District, Tis Hazari Courts, Delhi, by way of Demand Draft. The second instalment of Rs.2,00,000/- has been paid by the petitioner No. 1 to the respondent No. 2, at the time of recording of their statement in the Second Motion bearing HMA No. 488/2024 under Section 13-B(2) of the H.M.A. Act, before the Court of learned Principal Judge, Family Court, Central District, Tis Hazari Courts, Delhi, by way of Demand Draft.

10. A Demand Draft bearing No. 074666, dated 21.06.2024, for a sum of Rs.2,00,000/-, i.e. the balance amount, has been handed over to Ms. Sarita @ Sarita Chaturvedi, the respondent No. 2, in the Court, drawn on Bank of Baroda, Saraswati Vihar, Delhi-110034 and the same has been accepted by her.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement dated 03.11.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

12. 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 03.11.2023 and they also submit that the said Settlement dated 03.11.2023,



has been arrived at between the parties, without any pressure and coercion.

13. It is also stated that on 30.03.2024, the marriage between petitioner No. 1 and respondent No. 2, had been dissolved as per the Hindu law.

14. In view of the Settlement dated 03.11.2023, the present Petition has been filed.

15. All the parties endorse the present Settlement and state that they shall remain bound by the terms of the Settlement dated 03.11.2023.

16. Today, the complainant/respondent No. 2 and the petitioners, who are present in the Court, state that she has received all amounts due to her and has no objection if the FIR is quashed. The parties, who are present in the Court, undertake to remain bound by the terms of the Settlement.

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. Accordingly, FIR No. 340/2020 under Section 498A/406/34 of the IPC dated 22.08.2020, registered at Police Station, Burari, Central District, Delhi and all consequential proceedings emanating therefrom are quashed.

19. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 5, 2024/RS