



2024:DHC:5819



\$~76

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 01.08.2024

+ CRL.M.C. 5890/2024

DHARMENDER KUMAR @ DHARMENDER SINGH AND ORS

.....Petitioners

Through: Mr. Vivekanand Mishra, Advocate
alongwith petitioners in person.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Manjeet Arya, APP for the State
with ASI Pramod Kr., PS Burari,
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 22527/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5890/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 0839/2021 under Sections 498A/406/34 IPC registered at P.S.: Burari and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent no. 2 appear on advance notice and accept notice.
3. In brief, as per the case of the petitioners, marriage between petitioner



2024:DHC:5819



No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 30.04.2017. A female child was born out of the wedlock. Due to matrimonial differences, respondent No. 2 started living separately. Present FIR was registered on complaint of respondent No. 2 on 12.10.2021.

4. The disputes have been amicably settled between the parties in terms of Settlement Deed dated 04.11.2023 arrived at Delhi Mediation Centre, Tis Hazari Court, Delhi. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 30.05.2024.

5. An amount of Rs. 50,000/- has been handed over to respondent No. 2 in cash today .

6. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

7. Petitioners and respondent No. 2 are present in person and have been identified by ASI Pramod Kumar, PS: Burari. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No. 0839/2021 under Sections



2024:DHC:5819



498A/406/34 IPC registered at P.S.: Burari and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 01, 2024

p