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

+ **CRL.M.C. 5891/2024**

ARUN BHATNAGAR

.....Petitioner

Through: Mr. Sunil Kumar, Advocate with
petitioner in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP with
Ms. Sunpreet Singh, Advocate for
State.

Ms. Shilpi Agnihotri, Advocate for
R-2 with R-2 in person.

S.I. Ram Vir Singh & ASI Kushal Pal
Singh, PS Burari, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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01.08.2024

CRL.M.A. 22534/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. 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 petitioner seeking to quash the FIR No. 1020/2021 registered under Sections 498A/406 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Burari, 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. Ms. Shilpi Agnihotri, learned counsel appearing on advance notice, accepts notice on behalf of the respondent No. 2.
7. Brief facts of the case are that the marriage was solemnized between petitioner and respondent No. 2 on 23.01.2007 according to Hindu rites and ceremonies and no child was born from the said wedlock.
8. It is submitted that due to temperamental difference, the disputes and differences arose between the parties and the petitioner and respondent No. 2 started residing separately from each other since 30.01.2019.
9. It is further submitted that in the year 2021, on the complaint of respondent No. 2, an FIR bearing No. 1020/2021 under Sections 498A/406 of the IPC, 1860 got registered at Police Station Burari, Delhi.
10. It is submitted that during the pendency of the litigations, the parties were referred to Delhi Government Mediation and Conciliation Centre from Police Station Burari for exploring the possibility of amicable settlement, wherein, the parties have amicably settled all the disputes and differences between them *vide* Settlement Agreement dated 05.02.2020 which *inter alia* states that: -
 - (i) That the respondent No. 2/wife and the petitioner/husband shall dissolve their marriage by decree of mutual consent under Sections 13(B)(1) and 13(B)(2) of Hindu Marriage Act, 1955,
 - (ii) That the petitioner shall pay a sum of Rs. 7,00,000/- to the respondent No. 2/wife towards full and final settlement of all her claims (past, present and future), permanent alimony, stridhan, gift articles, etc.,



(iii) That the first instalment of Rs. 3,50,000/- shall be paid by the petitioner to the respondent No. 2 at the time of recording of Statement of First Motion Petition under Section 13(B)(1) of Hindu Marriage Act, 1955,

(iv) That the second instalment of Rs. 3,50,000/- shall be paid by the petitioner to the respondent No. 2 at the time of recording of Statement of Second Motion Petition under Section 13(B)(2) of Hindu Marriage Act, 1955,

(v) That a sum of Rs. 15,000/- borrowed by the petitioner from the respondent No. 2 shall be paid by the petitioner to respondent/wife on or before 1st motion,

(vi) That all the pending cases against the petitioner shall be withdrawn by the respondent No. 2,

(vii) That if the respondent No. 2/wife backs out from the settlement, the amount so taken by her at the time of first motion shall be returned to the petitioner with an interest @ 2%.

11. It is also stated that the marriage between the petitioner and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated 11.03.2024.

12. In view of the Settlement Agreement dated 05.02.2020, the present petition has been filed.

13. It is submitted on behalf of the petitioner that due to inadvertence, the amount of Rs. 7,00,000/- as mentioned in the Settlement Agreement, has wrongly been recorded, whereas the settlement amount agreed between the parties is Rs. 3,50,000/- which has already been paid to the respondent No. 2 by the petitioner.



14. The petitioner 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.

15. It is further submitted that Rs. 3,50,000/- has already been paid to the respondent No. 2 by the petitioner as per their mutual settlement. Thus, the petitioner has paid all the amounts to the respondent No. 2 towards the full and final settlement, and the same has been acknowledged by the respondent No. 2 who is present in the Court.

16. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 05.02.2020 and thus, no fruitful purpose will be served in continuing with the FIR.

17. The present petition has been signed by the petitioner and is supported by affidavit of petitioner and the respondent No. 2. 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.

18. 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.

19. 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.

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



question.

21. Accordingly, FIR bearing No. 1020/2021 registered at Police Station Burari, Delhi, for offences punishable under Sections 498A/406 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

22. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 1, 2024

S.Sharma