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

+ **CRL.M.C. 5944/2024**

SANJAY AND OTHERS

.....Petitioners

Through: Mr. Sanjay Singh (D/359B/17), Ms. Manju Bala (D/723-A/10), Mr. Mrinendra Singh (D/3593/17) and Mr. Mohan Singh Bais (D/5751/17), Advocates.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
SI Paramjeet, PS Ranhola (D-1068)
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

02.08.2024

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1. The Petitioners have approached this Court for quashing FIR No.245/2019 dated 19.04.2019 registered at Police Station Ranhola for offences punishable under Sections 498A, 406 & 34 IPC. The present FIR is the outcome of a matrimonial dispute between the parties.

2. It is stated that the marriage between Petitioner No.1/husband and Respondent No.2/wife stands dissolved *vide* Judgment and Decree dated 16.01.2024. Paragraph 7 to 10 of the Judgment and Decree dated 16.01.2024, dissolving the marriage reads as under:-

“7. The petitioners have stated that marriage between them was solemnized on 06.12.2014 according to Hindu rites and ceremonies at Vikas Nagar, New Delhi. From this wedlock, two children namely Baby



Kanika Mathur (DOB 01.08.2016) and Master Ritesh Mathur (DOB 06.02.2018) were born. Marriage photograph Ex.P-1 has been placed on record as the marriage proof. It is stated that due to temperamental differences, petitioner No.1 and petitioner no.2 were not able to live together as husband and wife and they have been living separate since 24.01.2019. Petitioners have further stated that all efforts for reconciliation did not yield any result and they do not want to enter into any further reconciliation efforts as there is no scope for the same and their marriage has broken down irretrievably. Petitioners have further stated that they have amicably resolved all their disputes pertaining to this marriage including stridhan, permanent alimony, dowry articles and maintenance (present, past & future) as mentioned in the petition Ex P-6.

8. Both petitioners have agreed that the present settlement is between them and they understand that this settlement would not affect the rights of children Baby Kanika Mathur and Master Ritesh Mathur for maintenance or the rights of the children which they may have in the properties of any person including them (petitioners) in any manner.

9. As per settlement, custody of both children Baby Kanika Mathur and Master Ritesh Mathur shall remain with petitioner No.1 (father) and petitioner No.2 (mother) shall have no visitation rights to meet the children. However, the children are free to meet their mother.

It is stated by petitioner no.2 that she does not want any visitation right to meet the children.

10. Petitioners have also agreed that they will not initiate any litigation or will not raise any claim in



future against each other or their family members as well as relatives of each other.”

3. The Petitioners and Respondent No.2 are present in Court today. They have been identified by the Investigating Officer. Respondent No.2 states that she has settled all her disputes with the Petitioners out of her own free will, without pressure, coercion or undue influence. The parties undertake that they will remain bound by the proceedings recorded before this Court.

4. In view of the fact that the marriage stands dissolved and since the disputes arise out of a matrimonial dispute and in view of the fact that the instant case is squarely covered by the law laid down by the Apex Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303, this Court is of the opinion that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.245/2019 dated 19.04.2019 registered at Police Station Ranhola for offences punishable under Sections 498A, 406 & 34 IPC and the proceedings emanating therefrom are hereby quashed.

5. The petition stands disposed of in the above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 2, 2024

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