



2024:DHC:5702



\$~77

* IN THE HIGH COURT OF DELHI AT NEW DELHI
% Date of Decision: 02.08.2024

+ CRL.M.C. 5954/2024

NITIN KUMAR AND ORS.

.....Petitioners

Through: Mr. Mahkar Singh and Ms. Shalu
Dhiman, Advocates with Petitioners in
person.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State with
SI Garima, PS: Ranjit Nagar.
Mr. Adesh Nandal and Mr. Shivam
Gautam, Advocates for R-2 with
Respondent No. 2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N TANOOP KUMAR MENDIRATTA, J (ORAL)CRL.M.A. 22769/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5954/2024

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. 0104/2017, under Sections 498A/406 IPC, registered at PS: Ranjit Nagar and proceedings emanating therefrom. Section 174A IPC was subsequently invoked.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.



3. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 23.11.2015. A male child was born out of the wedlock, which is presently in custody of respondent No. 2. Due to matrimonial differences, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 07.03.2017.

4. The disputes have been amicably settled between the parties in terms of Settlement Deed dated 10.05.2024. 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 08.07.2024.

5. An amount of Rs. 4,00,000/- has been paid to respondent No. 2 today through DD No. 271683 dated 31.07.2024 drawn on Central Bank of India, B-24, Sector 22, Noida, U.P. Branch in favour of respondent No. 2.

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 SI Garima, PS: Ranjit Nagar. 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



2024:DHC:5702



Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No. 0104/2017, under Sections 498A/406/174A IPC, registered at PS: Ranjit Nagar 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 02, 2024/R