



2024:DHC:7927



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

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Date of Decision: 14.10.2024

+ **CRL.M.C. 5998/2024****GAURAV BAKSHI AND OTHERS**

.....Petitioners

Through: Mr. Lakshya Sharma, Adv. for
petitioner no. 1 alongwith petitioner
no. 1 in person.
Petitioner no. 2 to 4 through VC.

versus

STATE GOVT. OF NCT OF DELHI AND OTHERS

.....Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Himanshu Kumar Dubey, PS
Amar Colony.
Mr. Mandeep Kumra Sharma, Mr.
Yash Gupta, Mr. Karan gupta, Mr
Banshika Garg and Ms. Suman Rani,
Advs. for R-2 alongwith R-2 in
person.

CORAM:**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 22892/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

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1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita,

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2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 212/2022 under Sections 498A/406/34 IPC registered at P.S.: Amar Colony and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for respondent no. 2 alongwith 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 01.02.2017. No child was born out of the wedlock. 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 21.02.2022.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 23.04.2024 arrived at Counselling Cell, Family Court, South-East, Saket Courts, 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 24.05.2024.

5. An amount of Rs. 10,00,000/- has been handed over to respondent No. 2 today through DD No. 438836 dated 11.10.2024 drawn on State Bank of India, 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.



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7. Petitioner No.1 and respondent No. 2 are present in person and petitioner No. 2 to 4 through VC have been identified by SI Himanshu Kumar Dubey, P.S.: Amar Colony. 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. 212/2022 under Sections 498A/406/34 IPC registered at P.S.: Amar Colony 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

OCTOBER 14, 2024

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