



2024:DHC:7490



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 27.09.2024

+ W.P.(CRL) 2352/2024

SUNNY ANAND & ORS

.....Petitioners

Through: Mr.Sidhant Dhingra and Ms.Nidhi
Rejbura, Advocates with petitioners in
person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Anand V. Khatri, ASC for State
with SI Sumit, P.S. South Rohini.
Mr.Anurag Passi, Advocate with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N TANOOP KUMAR MENDIRATTA, J (ORAL)CRL.M.A. 22955/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2352/2024

1. Writ Petition under Article 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of petitioners for quashing of FIR No.0398/2016, under Sections 498A/406/34 IPC registered at P.S.: South Rohini and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for



2024:DHC:7490



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 28.11.2011. A male child was born out of the wedlock who 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 02.12.2016.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Agreement dated 25.11.2023. 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 26.02.2024.

5. Balance amount of settlement of Rs.3,00,000/- has been paid to respondent No. 2 today through DD No. 933733 dated 09.07.2024 drawn on State Bank of India, Gandhi Nagar, Delhi in favour of respondent No. 2.

6. Learned APP for the State submits that in view of amicable settlement between the parties, he 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 Sumit, PS: South Rohini. 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



2024:DHC:7490



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.0398/2016, under Sections 498A/406/34 IPC registered at P.S.: South Rohini 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

SEPTEMBER 27, 2024/v