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

+ **CRL.M.C. 6055/2024**

NITIN KUMAR & ORS.

.....Petitioners

Through: Mr. Rajesh Kumar, Mr. Mukul Mishra, Mr. Rushil Pathania & Mr. Sunny Chauhan, Advocates with the petitioners in person.

versus

THE STATE (NCT OF DELHI) THROUGH S.H.O & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for State.

Mr. Nitesh Anah & Ashrita Jaiswal, Advocates for R-2 with R-2 in person. S.I. Priya & S.I. Sangita, PS Shakarpur, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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06.08.2024

CRL.M.A. 23148/2024 (Exemption)

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

CRL.M.C. 6055/2024

3. The present Petition under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 116/2021 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Shakarpur, East



Delhi.

4. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 23.05.2020 according to Hindu rites and ceremonies and no child was born from the said wedlock.

5. It is submitted that due to temperamental differences between the petitioner No. 1 and the respondent No. 2, the dispute arose between the parties.

6. It is further submitted that in the year 2021, on the complaint of respondent No. 2, an FIR bearing No. 116/2021 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Shakarpur, Delhi and also the Chargesheet has been filed in the said FIR, which is pending before the learned Trial Court Delhi.

7. It is also submitted that the respondent No. 2 has also filed the Criminal Complaint bearing Ct Case No. 204/2022 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the petitioners before the learned Metropolitan Magistrate, East District, Karkardooma Courts, Delhi. However, the said Complaint had been withdrawn by the respondent No. 2 on 18.04.2024.

8. It is further submitted that with the intervention of family members of the parties, the petitioners and the respondent No. 2 have settled all the disputes and differences between them *vide* Settlement Deed dated 19.02.2024 which *inter alia* states that: -

(i) That the respondent No. 2/wife and the petitioner No. 1/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 total sum of Rs. 5,00,000/- to the respondent No. 2/wife towards full and final settlement of all her claims, present, past and future,

(iii) That on 10.02.2024, the petitioner No. 1 has paid a sum of Rs. 2,50,000/- to the respondent No. 2/wife *vide* Demand Draft No. 150210486 dated 12.02.2024, made in favour of respondent No. 2/wife, drawn on Indian Overseas Bank, Branch Sector-18, Noida, Uttar Pradesh,

(iv) That a sum of Rs. 1,00,000/- shall be paid by the petitioner No. 1 to the respondent No. 2/wife at the time of quashing of FIR and withdrawal of Criminal Complaint,

(v) That a sum of Rs. 1,50,000/- shall be paid by the petitioner No. 1 to the respondent No. 2/wife at the time of recording of statement of Second Motion under Section 13(B)(2) of the Hindu Marriage Act, 1955,

(vi) That the parties shall withdraw all the pending cases filed against each other.

9. It is also stated that the marriage between the petitioner No. 1 and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated 30.05.2024.

10. In view of the Settlement Deed dated 19.02.2024, the present petition has been filed.

11. The petitioners and the respondent No. 2/wife are present in person in the Court today, and they have been identified by their counsel and Investigating Officer concerned.

12. It is further submitted that Rs. 4,50,000/- has already been paid to the



respondent No. 2 by the petitioner No. 1.

13. Today, a sum of Rs. 50,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1 in cash, and the same has been accepted by the respondent No. 2/wife.

14. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 19.02.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

15. The present petition has been signed by the petitioners and is supported by the affidavits of the petitioners and the respondent No. 2/wife. The parties have endorsed and 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.

16. Today, the complainant/respondent No. 2/wife, who is present in person in the Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

17. 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.

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

19. Accordingly, FIR bearing No. 116/2021 registered at Police Station Shakarpur, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 as well as the Chargesheet and all consequential proceedings



emanating therefrom are quashed.

20. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 6, 2024

S.Sharma