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

+ **W.P.(CRL) 2368/2024**

SURAJ KUMAR AND ANR.

.....Petitioners

Through: Mr. Malkhan Singh (D/1522/2011),
Advocate along with Petitioners in
person.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Mr. Abhinav Kumar
Arya, Advocate.
Mr. Vikas Gautam, Mr. Ravi Kumar,
Mr. Tarun Kumar and Mr. Shashank
Chouhan, Advocates for R-2 along
with Respondent No.2 in person.
ASI Raghuraj Singh (2581/5D), PS
Sangam Vihar, New Delhi.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **06.08.2024**

CRL.M.A. 23116/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 2368/2024

1. The present writ petition under Article 226 of the Constitution of India read with Section 528 of BNSS has been filed by the Petitioners for quashing FIR No.754/2023 dated 17.10.2023, registered at Police Station Sangam Vihar for offences punishable under Sections 498A/406/34 IPC. The present FIR is the outcome of a matrimonial dispute between the parties.

W.P.(CRL) 2368/2024

Page 1 of 3



2. The Respondent No.2 is the Complainant and the Petitioner No.1 is the husband of the Complainant.

3. The principal ground on which the present petition has been filed is that the parties have entered into a settlement on 18.01.2024. It is stated in the petition that in terms of the settlement, the parties had filed a petition for divorce by mutual consent before the Ld. Principal Judge, Family Court, Saket, Delhi and by a Judgment and Decree dated 03.07.2024, the marriage between the complainant/Respondent No.2 and the Petitioner No.1/husband stands dissolved. It is further stated in the petition that under the settlement, the Petitioner No.1/husband has agreed to pay a sum of Rs.13,00,000/- to the complainant/Respondent No.2 towards the full and final settlement of all her claims in the following manner:

- a. A sum of Rs.4,50,000/- was to be paid at the time of recording of statement of the First Motion.
- b. A sum of Rs.4,50,000/- was to be paid at the time of recording of statement of the Second Motion.
- c. A sum of Rs.4,00,000/- was to be paid at the time of quashing of the FIR.

4. Today, the parties are present in Court today. The Petitioners have been identified by their Counsel and the Investigating Officer. The Respondent No.2/complainant has been identified by her Counsel and the Investigating Officer. The Complainant/Respondent No.2 states that she has settled all her matrimonial disputes with the Petitioners out of her own free will, without pressure, coercion or undue influence and states that she does not want to pursue the present case any further and requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties



undertake that they will remain bound by the settlement and proceedings recorded before this Court.

5. Considering the fact that the dispute is a matrimonial dispute and the parties have amicably settled their disputes, the present case is squarely covered under the law laid down by the Supreme Court in Gian Singh v. State of Punjab, (2012) 10 SCC 303. In view of the settlement arrived at between the parties, this Court is satisfied that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.754/2023 dated 17.10.2023, registered at Police Station Sangam Vihar for offences punishable under Sections 498A/406/34 IPC and the proceedings emanating therefrom are hereby quashed.

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

SUBRAMONIUM PRASAD, J

AUGUST 06, 2024

S. Zakir