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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6130/2024**
PRAKASH FAGWANI AND ORS

.....Petitioner
Through: Mr. Jitender Tyagi, Advocate along
with petitioners through Video
Conferencing.

versus
STATE OF NCT DELHI AND ANR.

.....Respondents
Through: Mr. Satinder Singh Bawa, Ld. APP
for State.
Respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
08.08.2024

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CRL.M.A. 23429/2024 (Seeking Exemption)

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

CRL.M.C. 6130/2024

3. A Petition under Section 482 Cr.P.C has been filed on behalf of the petitioners for quashing of FIR No.658/2021 under Section 498-A/406/34 IPC registered at Police Station Narela and the proceedings emanating therefrom.
4. Issue notice.
5. Mr. Satinder Singh Bawa, learned APP appearing on advance notice, accepts notice on behalf of the State.



6. Brief facts of the case are that on 10.12.2020 the marriage was solemnized between petitioner No. 1 and respondent No. 2 according to Hindu rites and ceremonies. It is stated that a female child was born out of the said wedlock on 22.09.2021. Thereafter due to temperamental differences the respondent No.2 left the matrimonial house on 29.05.2021 and is residing separately since then.

7. It is further submitted that the respondent No.2 filed a complaint under Section 12 of DV Act pursuant to which an FIR bearing No. 658/2021 under Sections 498A/406/34 of the Indian Penal Code, 1860 got registered at Police Station Narela.

8. It is stated that both the parties entered into a settlement and an MOU was executed on 19.01.2024, and it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated that petitioner No. 1/husband shall pay a sum of Rs. 15,50,000/- to the respondent No. 2/wife towards full and final amount of all the claims of the respondent No. 2/wife and child. It is also stated that the petitioner No. 1 has already paid Rs. 12,00,000 to respondent No. 2/wife in three instalments viz., Rs.4,00,000/- was paid at the time of signing the Settlement, Rs.4,00,000/- was paid at the time of recording of statements in First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and another Rs. 4,00,000/- was paid at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955.

9. It is further stated that the remaining amount of Rs.3,50,000/- shall be paid by the petitioner No. 1/husband at the time of quashing of FIR No. 658/2021. It is also stated that the child shall remain in the custody of



respondent No. 2/wife and petitioner No.1/husband shall have no visitation rights.

10. It is also stated that on 30.04.2024, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

11. In view of the Compromise Deed dated 19.01.2024, the present petition has been filed.

12. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned.

13. The balance amount of Rs.3,50,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1 today in the Court *via* Demand Draft No.328005 dated 07.08.2024 drawn on State Bank of India, chandni Chowk, Delhi, 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* Compromise Deed dated 19.01.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

15. The present petition has been signed by all the parties and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Compromise Deed dated 19.01.2024 and they also submit that the said Compromise Deed has been arrived at between the parties without any pressure and coercion.

16. Today, the complainant/respondent No. 2/wife, who is present in 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, I am of the opinion that 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. 658/2021 registered at Police Station Narela, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

20. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 8, 2024/va