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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6183/2024, CRL.M.A. 23634/2024
SANTOSH KUMAR & ORS.

.....Petitioners

Through:

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Satinder Singh Bawa, Ld. APP
for the State with Insp. Satbir Singh,
P.S. Jaitpur.
Mr. Ravi Shankar, Advocate with R-2
in person.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
09.08.2024

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1. The Petition under Section 582 of BNSS has been filed on behalf of the petitioners, seeking to quash the FIR No. 0426/2020, registered under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Jaitpur.
2. Issue notice.
3. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 29.04.2013, according to Hindu rites and ceremonies and no child was born out of the said wedlock.



5. It is stated that due to some temperamental difference the petitioner No.2 and respondent No.2 could not maintain their matrimonial relation and are residing separately since 2014. The respondent No.2 filed a case under Section 12 of DV Act against the petitioner No.1 and a complaint against all the petitioners at CAW Cell pursuant to which an FIR bearing No. 426/2020 was registered under Sections 406/498A/34 of the Indian Penal Code, 1860, got registered at Police Station Jaitpur.

6. Learned M.M, Saket Courts referred the matter to Mediation Centre, Saket Courts, wherein the parties arrived at a Settlement dated 05.12.2023 pursuant to which they settled all their disputes and agreed to dissolve their marriage by mutual consent. The petitioner No.1 also agreed to pay a sum of Rs.5,00,000/- towards full and final settlement for past, present and future maintenance of respondent No.2 in four instalments. It was agreed that the petitioner No.1 will pay first instalment of Rs.2,00,000/- to respondent No.2 on withdrawal of case under Section 12 of DV Act. Further the petitioner No.1 will pay second instalment of Rs.1,00,000/- to respondent no.2 at the time of recording of statements in First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and third instalment of Rs. 1,00,000/- would be paid at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955. It was agreed that the fourth instalment and balance amount of Rs.1,00,000/- would be paid at the time of quashing of petition before the Court.

7. It is also stated that on 28.05.2024, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

8. In view of the Settlement Deed dated 05.12.2023, the present petition has been filed.



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

10. A Demand Draft for a sum Rs. 1,00,000/-, i.e the balance amount, has been handed over to the respondent No. 2/wife by the petitioner No. 1 today in the Court *vide* Bank Draft No.713764 dated 29.06.2024 made in favour of the respondent No. 2/Rinku Kumari, drawn on State Bank of India, Jaitpur, Delhi and the same has been accepted by the respondent No. 2/wife.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 05.12.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

12. The present petition has been signed by all the petitioners and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 05.12.2023 and they also submit that the said Settlement Deed dated 05.12.2023 has been arrived at between the parties without any pressure and coercion.

13. 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.

14. 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.

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



16. Accordingly, FIR No. 0426/2020 for the offence punishable under Sections 406/498A/34 of IPC, 1860, registered at Police Station Jaitpur and all consequential proceedings emanating therefrom are quashed.

17. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 9, 2024/va