



2024:DHC:5995



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 12.08.2024

+ CRL.M.C. 6244/2024

ROSHAN @ RAUSHAN KUMAR AND ORS.Petitioners

Through: Mr. Rishi Kant Mishra, Mr. Rajiv Singh and Mr. Raajan Aggarwal, Advocates with Petitioner No. 1 in-person.

versus

STATE THROUGH SHO PS DWARKA NORTH
AND ANR.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for State with SI Ashish Kumar, PS: Dwarka North.
Ms. Sushmita Panwar, Adv. for R-2 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 T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 23857/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6244/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0521/2021, under Sections 498A/406/34 IPC, registered at PS: Dwarka North and proceedings emanating therefrom.

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



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respondent No. 2 along with 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 06.05.2019. No child was born out of the wedlock. 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 13.10.2020.

4. The disputes have been amicably settled between the parties in terms of Settlement Deed dated 28.04.2023. The marriage between petitioner No. 1 and respondent No. 2 is stated to have been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act, vide judgment dated 06.02.2024, though the copy of the same has not been filed on record.

5. An amount of Rs. 1,00,000/- has been paid to respondent No. 2 today through DD No. 239903 dated 25.07.2024 drawn on State Bank of India, in favour of respondent No. 2.

6. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

7. Petitioner No. 1 and Respondent No. 2 are present in person and have been identified by SI Ashish Kumar, PS: Dwarka North. Presence of petitioner No. 2 and 3 is exempted. 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



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objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been 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. 0521/2021, under Sections 498A/406/34 IPC, registered at PS: Dwarka North 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.

AUGUST 12, 2024/R