



2024:DHC:6296



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.08.2024

+ W.P.(CRL) 2430/2024

BHARAT BHUSHAN KAPOOR AND OTHERSPetitioners

Through: Mr. Kushauk Sharma, Advocate with
Petitioner No. 1 in-person & Petitioner
No. 4 through VC.

versus

STATE NCT OF DELHI AND ANR.Respondents

Through: Mr. Anand V. Khatri, ASC with ASI
Prem Chand, PS: Malviya Nagar.
Mr. Vibhor Verdhan, Mr. Harshit
Kuchhal and Mr. Mrinal Sharma,
Advocates for R-2 with Respondent
No. 2 through VC and Dharam Singh
(father of R-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)**

1. Writ petition under Article 226 of the Constitution of India read with 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. 0134/2022, under Sections 498A/406/34 IPC, registered at P.S.: Malviya Nagar and proceedings emanating therefrom.

2. 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 22.02.2016. No child was born out of the wedlock. Due to matrimonial differences, petitioner No. 1 and respondent No. 2 started living



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separately. On complaint of respondent No. 2, present FIR was registered on 28.01.2022.

3. The disputes have been amicably settled between the parties in terms of Settlement dated 03.02.2024. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 31.05.2024.

4. An amount of Rs. 14,25,000/- has been paid to respondent No. 2 today through DD No. 012565 dated 06.08.2024 drawn on HDFC Bank, in favour of respondent No. 2.

5. Learned ASC for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.

6. Petitioner No. 1 in person and petitioner No. 4, respondent No. 2 through VC have been identified by ASI Prem Chand, PS: Malviya Nagar. 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 objection in case the FIR in question is quashed.

7. 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. 0134/2022, under Sections 498A/406/34 IPC, registered at P.S.: Malviya Nagar and proceedings



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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 21, 2024/R