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

+ **CRL.M.C. 6316/2024 & CRL.M.A. 24157/2024**

S. MANMEET SINGH & ORS.

.....Petitioners

Through: Mr. Gurmit Singh Hans, Ms. Somya
Chugh & Ms. Nishu Budhiraja,
Advocates with P-1 in person.
P-2 to 4 appearing through VC.

versus

THE STATE GOVT. NCT OF DELHI & ANR.Respondents

Through: Ms. Priyanka Dala, APP for State.
Mr. Sachet Sharma & Mr. Ayush
Sharma, Advocates for R-2 with R-2
in person.
S.I. Nimmi, PS Shadra, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **14.08.2024**

CRL.M.A. 24158/2024 (Exemption)

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

CRL.M.C. 6316/2024

3. The present Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioners seeking to quash the FIR No. 0348/2021 registered under Sections 406/498A/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Shahdara, Delhi.
4. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 28.11.2020 according to Sikh rites and ceremonies and no child was born from the said wedlock.
5. It is further submitted that due to difference of opinion, liking and



taste, the parties have been residing separately from 24.01.2021.

6. It is asserted that the respondent No. 2 has filed a number of cases against the petitioner No. 1, however, the same were unconditionally withdrawn.

7. It is submitted that on the complaint of respondent No. 2, an FIR bearing No. 0348/2021 under Sections 406/498A/34 of the IPC, 1860 got registered at Police Station Shahdara, Delhi and also the Chargesheet has been filed in the said FIR, which is pending before the learned Trial Court Delhi.

8. It is further submitted that during the pendency of litigation, with the intervention of commons friends and family members of the petitioners and the respondent No. 2, the parties have settled all the disputes and differences between them *vide* Memorandum of Settlement dated 26.02.2024 which *inter alia* states that: -

(i) That the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent under Sections 13(B)(1) and 13(B)(2) of Hindu Marriage Act, 1955,

(ii) That the petitioner No. 1 shall pay a sum of Rs. 9,00,000/- to the respondent No. 2/wife towards full and final settlement of all her claims, present, past and future,

(iii) That the first instalment of Rs. 4,00,000/- shall be paid by the petitioner No. 1 to the respondent No. 2/wife at the time of recording of Statement of First Motion Petition under Section 13(B)(1) of Hindu Marriage Act, 1955,

(iv) That the second instalment of Rs. 2,50,000/- shall be paid by



the petitioner No. 1 to the respondent No. 2/wife at the time of recording of Statement of Second Motion Petition under Section 13(B)(2) of Hindu Marriage Act, 1955,

(v) That the third instalment of Rs. 2,50,000/- shall be paid by the petitioner No. 1 to the respondent No. 2/wife at the time of quashing of FIR,

(vi) That the respondent No. 2 shall give her 'No Objection' for quashing the present FIR,

(vii) That the parties shall withdraw all the pending cases against filed against each other,

9. It is also stated that the marriage between the petitioner No. 1 and the respondent No. 2/wife has been dissolved by mutual consent *vide* Decree of Divorce dated 01.05.2024.

10. In view of the Memorandum of Settlement dated 26.02.2024, the present petition has been filed.

11. The petitioner No. 1 and the respondent No. 2 are present in person in the Court today, whereas the petitioner Nos. 2 to 4 are appearing through video conferencing and they have been identified by their counsel and Investigating Officer concerned.

12. It is further submitted that a sum of Rs. 6,50,000/- has been paid to the respondent No. 2 by the petitioner No. 1 viz, the aforesaid two instalments.

13. Today, the third instalment of Rs. 2,50,000/- has been paid by the petitioner No. 1 to the respondent No. 2 *via* Manager's Cheque bearing No. 003748, dated 13.08.2024 made in favour of Monika/respondent No. 2, drawn on HDFC Bank, Rohtash Nagar Branch, Delhi.



14. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Settlement dated 26.02.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

15. The present petition has been signed by the petitioners and is supported by their affidavits. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

16. Today, the respondent No. 2, who is present in the Court, states that she has received all the 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, 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. 0348/2021 registered at Police Station Shahdara, Delhi, for offences punishable under Sections 406/498A/34 of IPC, 1860 and the Chargesheet and all consequential proceedings emanating therefrom are quashed.

20. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 14, 2024

S.Sharma