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

+ **CRL.M.C. 6335/2024**

KADAM SHARMA AND ORS

.....Petitioners

Through: Mr. Mohit Sharma, Advocate with
P-1 in person.

P-2 & 3 appearing through VC.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
State.

Mr. Nitesh Kumar Singh & Mr.
Devender Singh, Advocates for R-2
with R-2 in person.

W/S.I. Neeraj, Main I.O., PS Delhi
Police Academy, Jharoda Kalan,
Delhi & W/S.I. Rashmi, PS Dwarka
South, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

14.08.2024

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1. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners seeking to quash the FIR No. 0453/2022 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Dwarka South, District Dwarka, Delhi.

2. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 22.01.2019 according to Hindu rites and ceremonies and no child was born from the said wedlock.



3. It is submitted that due to some temperamental differences, some matrimonial disputes arose between the parties between the petitioner No. 1 and the respondent No. 2 and on the complaint of respondent No. 2, an FIR bearing No. 453/2022 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Dwarka South, District Dwarka, Delhi and also the Chargesheet has been filed in the said FIR, which is pending before the learned Trial Court Delhi.

4. It is further submitted that with the intervention of Counselling Cell Family Court, Dwarka, New Delhi in Case No. 2899/2021, the parties have settled all the disputes and differences between them *vide* Settlement Agreement dated 01.05.2023 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 total sum of Rs. 7,00,000/- 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. 2,00,000/- 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. 3,00,000/- 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. 2,00,000/- shall be paid by the petitioner No. 1 to the respondent No. 2/wife at the time of quashing of FIR,

(vi) That the parties shall withdraw all the pending cases filed against each other.

5. 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 27.02.2024.

6. In view of the Settlement Agreement dated 01.05.2023, the present petition has been filed.

7. The petitioner No. 1 and the respondent No. 2 are present in person in the Court today, whereas the petitioner Nos. 2 and 3 are appearing through video conferencing and they have been identified by their counsel and Investigating Officer concerned.

8. It is further submitted that a sum of Rs. 5,00,000/- has been paid to the respondent No. 2 by the petitioner No. 1 viz, the aforesaid two instalments.

9. Today, the third instalment of Rs. 2,00,000/- has been paid by the petitioner No. 1 to the respondent No. 2 *via* Demand Draft bearing No. 068853, dated 06.08.2024 made in favour of Aashima Sharma/respondent No. 2, drawn on Canara Bank, Rohini Sector 24, New Delhi.

10. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 01.05.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

11. 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.

12. 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.

13. 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.

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

15. Accordingly, FIR bearing No. 0453/2022 registered at Police Station Dwarka South, District Dwarka, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 and the Chargesheet and all consequential proceedings emanating therefrom are quashed.

16. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 14, 2024

S.Sharma