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

+ **CRL.M.C. 6422/2024 & CRL. M.A.24562/2024**

RAKESH KUMARPetitioner

Through: Mr.Chandan Kumar, Advocate with
petitioner in person.

versus

THE STATE NCT OF DELHI & ANRRespondents

Through: Mr. Laksh Khanna, APP for State
with SI Ankit Sagar PS Neb Sarai,
Delhi.

Mr. Alok Kumar, Advocate for
respondent no.2 with respondent no.2
in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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20.08.2024

1. The present petition has been filed on behalf of the petitioner seeking quashing of FIR No. 0150/2022 registered under Sections 498-A/406/34 IPC at P.S. Neb Sarai, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and the petitioner/husband.
3. Mr. Laksh Khanna, learned APP for the State, submits that in the present case, the petitioner is the only accused and respondent No. 2 is the complainant/victim. He further states that charge-sheet has already been filed.
4. Learned counsel for the petitioner submits that the parties have settled their disputes vide MoU dated 04.09.2023. It is further submitted that while



the first motion of divorce by mutual consent under Section 13(B)(1) of HMA has already been granted, the second motion is still pending between the parties. In terms of the settlement, all payments except some balance amount have been made by the petitioner to the respondent No. 2 towards her claims qua maintenance, stridhan, alimony, etc. and that the remaining amount shall be paid at the time of grant of second motion. The parties herein undertake to appear before the concerned Family Court for the purpose of grant of second motion of divorce. The petitioner also undertakes to pay the balance amount to the respondent No. 2 at the time of grant of the second motion. The said statements are accepted and taken on record.

5. Petitioner and respondent No.2, who are present in Court, have been identified by their respective counsels as well as by the I.O./ SI Ankit Sagar, PS Neb Sarai, Delhi.

6. Respondent No. 2 states that she has settled her disputes with the petitioner out of her own free will, volition and without any coercion. She also acknowledges the receipt of the entire settled amount except some balance amount which is to be paid at the time of grant of second motion. She further submits that she has no objection in case the FIR is quashed against the petitioner.

7. Learned counsel for the petitioner submits that no other proceedings are pending between the parties.

8. The parties shall remain bound by the statements and undertaking made in Court today.

9. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby



quashed, subject to payment of balance amount at the time of grant of second motion.

10. With the above directions, the petition is disposed of alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

AUGUST 20, 2024/*rd*