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

+ **CRL.M.C. 6444/2024**

DHEERENDRA KUMAR MISHRA AND ORSPetitioners

Through: Mr. Vikas Tripathi & Ms. Mandavi
Pandey, Advocates with P-1 in
person.
P-2 & P-3 through VC.

versus

STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Satinder Singh Bawa, APP for
State.
Respondent No. 2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **20.08.2024**

CRL.M.A. 24640/2024 (Exemption)

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

CRL.M.C. 6444/2024

3. The present Petition under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 88/2017 registered under Sections 498A/406/354/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station CWC/Nanakpura, Delhi.

4. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 19.06.2011 according to Hindu



rites and ceremonies and one son, namely, Yash Mishra was born from the said wedlock.

5. It is also submitted that after marriage, the petitioner No. 1 and respondent No. 2 started residing at the petitioner No.1's rented apartment in Delhi. The respondent No. 2 from the very beginning started showing her temper and was less interest in household chores and all the household work was done by the petitioner No. 2, the mother of petitioner No. 1. The respondent No. 2 always wanted the petitioner No. 1 to reside separately from his mother and always used to complain with the income and professions of the petitioner No. 1.

6. On 12.02.2015, the respondent No. 2 went to her parental home without informing anybody and thereafter, she never returned to the matrimonial home.

7. It is further submitted that in the year 2017, on the complaint of respondent No. 2, an FIR bearing No. 88/2017 under Sections 498A/406/354/34 of the IPC, 1860 got registered at Police Station CWC Nanakpura, Delhi and also the Chargesheet has been filed in the said FIR, which is pending before the learned Trial Court Delhi.

8. It is also submitted that the parties have settled all the disputes and differences between them in Counselling Cell, Family Courts, Dwarka, Delhi *vide* Settlement Agreement dated 19.01.2024 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. 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. 1,00,000/- 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. 5,00,000/- shall be paid by the petitioner No. 1 to the respondent No. 2/wife at the time of quashing of FIR,
- (v) That the petitioner No. 1 shall withdraw the Guardianship Petition which is pending before the learned Family Court, Dwarka, Delhi and also withdraw the Civil Review Contempt Petition pending before this Court,
- (vi) That the custody of the child, Yash Mishra shall remain with the respondent No. 1 and father shall have visitation rights to meet the child,
- (vii) That the parties shall withdraw all the pending cases filed against each other,
- (viii) That the parties shall remain bound by the terms of the settlement.

9. It is also stated that the marriage between the petitioner No. 1 and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated 30.05.2024.

10. In view of the Settlement Agreement dated 19.01.2024, the present petition has been filed.



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

12. It is further submitted that Rs. 2,00,000/- has been paid to the respondent No. 2 by the petitioner No. 1 viz, the aforesaid one instalment.

13. Today, the petitioner No. 1 has paid a sum of Rs. 5,00,000/- *vide* Demand Draft bearing No. 507826, dated 20.08.2024, made in favour of respondent No. 2/Ritu Kumari Pathak, drawn on ICICI Bank, Jorbagh Branch, Delhi to the respondent No. 2/wife and the same has been accepted by her.

14. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 19.01.2024 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 complainant/respondent No. 2/wife, who is present in the Court, states that she has received all 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, without prejudice to the rights of the petitioner No. 1 to seek custody of the child, the FIR bearing No. 88/2017 registered at Police Station CWC Nanakpura, Delhi, for offences punishable under Sections 498A/406/354/34 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 20, 2024

S.Sharma