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

+ **CRL.M.C. 6448/2024 & CRL.M.A. 24652/2024**

MANISH KAKU & ANR.

.....Petitioners

Through: Mr. Akshay Gupta, Adv. with
petitioner no.1 in person
Petitioner no.2 (thru VC)

versus

STATE N.C.T. OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State
SI Rakesh Malik, Cyber Cell & SI
Animesh, PS Jagatpuri
Mr. Shantanu Bhardwaj, Adv. for R-
2/complainant with R-2 n person

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

20.08.2024

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1. This petition has been filed seeking quashing of FIR 430/2015, P.S Jagatpuri, u/s 498A/406/34 IPC on the basis of settlement arrived at between the parties dated 7th May 2019, with the facilitation of Delhi Mediation Centre, Karkardooma Courts, Delhi, which is on record of this Court.

2. As per the settlement, an outstanding amount of Rs. 2 lakhs is being paid today *vide* DD no.976189 drawn on SBI, dated 17th August 2024 to respondent no.2, who is present in the Court today; she acknowledges the same and states that she has no objection to quashing of the FIR, as all other aspects of the settlement have been complied with.

3. Petitioner no.1 and respondent no. 2 are present in Court and are duly



identified by IO and the respective counsel. Petitioner no.2, mother of petitioner no.1, is present through VC and is duly identified by the IO.

4. The marriage of petitioner no.1 and respondent no. 2 was solemnized on 19th February 2012 but due to marital discord, the marriage resulted in a divorce by decree dated 14th March 2023. One male child was born out of wedlock.

5. The APP for State points out that the settlement agreement which restricts the rights of minor child would not be acceptable in law. Accordingly, as per settled law, rights of the minor child shall remain unaffected by the settlement, in future.

6. Considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Accordingly, the petition is allowed. Consequently, the FIR 430/2015, P.S Jagatpuri, u/s 498A/406/34 IPC and proceedings emanating therefrom are quashed.

7. Parties shall abide by the terms of settlement.

8. Accordingly, the petition is disposed of with the pending application.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 20, 2024/sm