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

+ **W.P.(CRL) 3686/2023**

VIJAY KUMAR AND ORS.

..... Petitioners

Through: Ms. Gayatri Nandwani and Ms.
Mudita Sharda, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Anand V. Khatri, ASC for the
State with SI Gaurav and ASI Mirpal,
P.S. Prasad Nagar.
Ms. Kiren Singh, Advocate for
complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

13.02.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners seeking quashing of FIR bearing no. 91/2021 registered at Police Station Prasad Nagar, New Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code and all consequential proceedings emanating therefrom.
2. Issue notice. Mr. Anand V. Khatri, learned ASC accepts notice on behalf of the State.
3. All the petitioners are present before this Court and have been identified by their counsel Ms. Gayatri Nandwani and Investigating Officer



(IO) SI Gaurav from Police Station Prasad Nagar, Delhi.

4. Briefly stated, the facts of the present case are that the marriage between petitioner no. 1 and the complainant was solemnized according to Hindu rites and ceremonies on 05.06.2017. Thereafter, a child was born out of the wedlock on 13.12.2018. The complainant had then alleged in the present FIR that the marriage had taken place against her wishes. It was further alleged that the complainant was abused, both verbally and physically by the accused persons, i.e. Vijay Kumar, Phool Singh and Ms Shakuntala throughout the duration of her marriage with the accused or petitioner no.1. The accused Vijay and complainant have been residing separately since 2019. It was further alleged by the complainant that during the pendency of the present petition, both parties had amicably settled all their disputes before the Delhi Mediation Centre, Tis Hazari Courts, Delhi *vide* Settlement Deed dated 09.01.2023.

5. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties before Delhi Mediation Centre, Tis Hazari Courts, Delhi *vide* Settlement Deed dated 09.01.2023, signed by all the parties and affidavits showing the protection of interest of minor child as per the judgment titled as ***Ganesh vs. Sudhirkumar Shrivastava, (2020) 20 SCC 787*** passed by the Hon'ble Supreme Court have been filed and the same are on record.

6. Affidavit regarding the rights of the minor child has been handed over in the Court. Let the same be taken on record.



7. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner no.1 and other family members.

8. The petitioner no. 1 had paid a sum of Rs. 5,40,000/- in five installments in the following manner:

- a. First installment of Rs.1,40,000/- paid to respondent no. 2 at the time of recording of statements of the parties in the first motion.
- b. Second installment of Rs.1,40,000/- paid to respondent no. 2 at the time of withdrawal of D.V. Case.
- c. Third installment of Rs.1,40,000/- paid to respondent no. 2 at the time second motion.
- d. Fourth/Final instalment of Rs.1,20,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

9. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs.1,20,000/- today, i.e., 13.02.2024 *vide* DD No. 024029 drawn on IDBI Bank, Karol Bagh, Delhi and has no objection if the FIR is quashed.

10. In view of the above fact 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, I am of the opinion that no useful purpose will be served by continuing 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. Moreover, there is no legal impediment in quashing the



FIR in question.

11. Accordingly, FIR bearing no. 91/2021 registered at Police Station Prasad Nagar, New Delhi for offences punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.

12. In view of the above, the present petition stands disposed of.

13. The order be uploaded on the website forthwith.

FEBRUARY 13, 2024/zp

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any