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

+ **CRL.M.C. 6578/2024**

AMAR SINGH & ORS.

.....Petitioners

Through: Mr. Parmod Kumar (D-737/2003) and
Mr. Sachin Kumar (D-11030/2021),
Advocates with Petitioners in person.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Sanjay Shah (D/2366/05), Mr.
Prashant Singhal (D/450/24) and Ms.
Sarika Jain (D/222/10), Advocates.
SI Surendra Das (D-3182), PS New
Usmanpur

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **23.08.2024**

CRL.M.A. 25139/2024 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 6578/2024

1. The present petition has been filed for quashing FIR No.363/2020 dated 12.06.2020, registered at Police Station New Usmanpur for offences under Section 498A/406/34 IPC, on the ground that the parties have amicably settled their disputes. The present proceedings arise out of a matrimonial dispute between the parties.

2. The principal ground on which the present petition has been filed is that the parties have amicably resolved their disputes by a settlement agreement dated 12.03.2024. As per the settlement agreement, the Petitioner



No.4/Husband has agreed to pay a sum of Rs.3,00,000/- to Respondent No.2/Complainant towards full and final settlement of all her claims in the following manner:-

- a. A sum of Rs.1,00,000/- was received by the Respondent No.2 at the time of first motion.
- b. A sum of Rs.1,00,000/- was received by the Respondent No.2 at the time of second motion.
- c. Remaining Rs.1,00,000/- was to be paid during the quashing of the FIR.

3. The settlement agreement further notes that the Respondent No.2/Wife shall have the sole custody of the minor male child and the Petitioner No.4/husband shall not claim any visitation right or custody of the child.

4. The Petitioner has also handed-over an affidavit regarding the custody of the child and the said affidavit reads as under:

“ *AFFIDAVIT*

I, Chandra Mohan aged about 31 years, S/o. Ramvir Singh, R/o. Vinova Nagar, Salempur Road, Hathras, U.P.- 281306, presently at Delhi, do hereby solemnly affirm and declare as under:

1. That the deponent is the Petitioner No.4 in the above noted case and am well conversant with the facts and circumstances of the case and competent to swear and sign this affidavit.

2. That the Petitioner entered into an amicable settlement with the Respondent No.2 vide MOU/Settlement dated 12.03.2024 (Annexure P-2) in the present petition under Section 482 Cr.P.C. for



quashing of FIR No.363/2020, U/S 406/498-A & 34 of IPC, P.S. New Usmanpur, Delhi.

3. That the Petitioner No.4 undertakes by way of the present Affidavit that any right moveable or immoveable whatsoever of his minor son namely Ruchin born out of the marriage between Petitioner No.4 and Respondent No.2 would not be affected and the Petitioner no.4 undertake to abide by the guidelines as per the Apex Court ruling in Ganesh Versus Sudhir Kumar Srivastava in relation to rights of Minor child.

That it is my true and correct statement.”

5. Petitioners and Respondent No.2/Complainant are present in Court today. The parties have been identified by their respective Counsels and the Investigating Officer. Respondent No.2/Complainant has also filed an affidavit affirming the fact that all the disputes with the Petitioners have been amicably settled. She has been paid the remaining sum of Rs.1,00,000/- in Court today by way of a Demand Draft. She states that she has received the entire amount and has settled all her disputes with the Petitioners out of her own free will, without pressure, coercion or undue influence.

6. In view of the mutual settlement arrived at between the parties and in view of the fact that the instant case is squarely covered by the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303, and to ensure peace and harmony between the parties, this Court is satisfied that no useful purpose will be served in continuing with the present proceedings. Resultantly, FIR No.363/2020 dated 12.06.2020, registered at Police Station New Usmanpur for offences under Section 498A/406/34 IPC and the proceedings emanating therefrom are hereby



quashed. The parties shall remain bound by the mutual settlement and the undertaking given to the Court.

7. The Petitions stand disposed of in above terms. Pending applications, if any, also stand disposed of.

SUBRAMONIUM PRASAD, J

AUGUST 23, 2024

Rahul