



2024:DHC:6452



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 23.08.2024

+ CRL.M.C. 6595/2024

NEERAJ EKKA

.....Petitioner

Through: Mr.K.K.Jha and Ms.Priya, Advocates
with petitioner in person.

versus

STATE (NCT OF DELHI) AND ANR.

.....Respondents

Through: Mr.Aman Usman, APP for State with
Mr.Sushanth Choudhary, Ms.Sunita
Farswan, Mr.G.R. Dhir, Mr.Akshay
Choudhary, Mr.Varun Sharma,
Mr.Rahul and Mr.Arun Sanwal,
Advocates alongwith WSI Bala Rani
and SI Pratap Singh, P.S. Mohan
Garden.
Mr.Manish Kumar and Mr.Kanishk
Taneja, Advocates with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 25178/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6595/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of



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FIR No.122/2021, under Sections 498A/406 IPC, registered at P.S.: Mohan Garden and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.

3. In brief, as per the case of the petitioners, marriage between petitioner and respondent No. 2 was solemnized under the provisions of Special Marriage Act, 1954 on 09.05.2016. No child was born out of the wedlock. Due to matrimonial differences, petitioner and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 07.04.2021.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 10.06.2022. The marriage between petitioner and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 28A(2) of Special Marriage Act, 1954 vide judgment dated 17.02.2024.

5. An amount of Rs.1,00,000/- has been paid to respondent No. 2 today through DD No.258079 dated 05.08.2024 drawn on State Bank of India, Dwarka New Delhi in favour of respondent No. 2.

6. Learned APP for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.

7. Petitioner and respondent No. 2 are present in person and have been identified by WSI Bala Rani, PS: Mohan Garden. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states



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that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No.122/2021, under Sections 498A/406 IPC, registered at P.S.: Mohan Garden and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

AUGUST 23, 2024/v