



2024:DHC:8188



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.10.2024

+ CRL.M.C. 6598/2024
VIKAS GUPTA AND OTHERS

.....Petitioners

Through: Mr.Faiz Imam, Advocate.

versus

STATE OF N.C.T. OF DELHI AND ANOTHER

.....Respondents

Through: Ms.Meenakshi Dahiya, APP for State
with ASI Urmila, PS Moti Nagar.
R-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)**

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioners for quashing of FIR No.0413/2019, under Sections 498A/406/34 IPC registered at P.S.: Moti Nagar and proceedings emanating therefrom.
2. In brief, as per the case of the petitioners, marriage between petitioner No.1 and respondent No. 2 was solemnized according to Hindu Rites and ceremonies on 29.11.2012. A male child was born out of wedlock who is presently in custody of respondent No.2. Due to matrimonial differences, petitioner No.1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 25.09.2019.

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3. The disputes are stated to have been amicably settled between the parties in terms of Settlement arrived before Counselling Cell, Family Court, Tis Hazari Courts, Delhi vide settlement dated 14.02.2024. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 12.07.2024.
4. An amount of Rs.12,70,000/- has been handed over to respondent No. 2 today through DD No. 415598 dated 19.08.2024 drawn on IndusInd Bank, Punjabi Bagh, New Delhi in favour of respondent No. 2.
5. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.
6. Petitioners and respondent No. 2 present in person, have been identified by ASI Urmila, PS Moti Nagar. 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 that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.
7. 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.0413/2019, under Sections 498A/406/34 IPC registered at P.S.: Moti Nagar and proceedings emanating therefrom stand quashed.



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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

OCTOBER 22, 2024/VLD