



2024:DHC:6389



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 23.08.2024

+ CRL.M.C. 6605/2024

SH. MEHUL SIROHI & ORS.

.....Petitioners

Through: Mr. Harry Chibber, Advocate with
Petitioners-in-person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP with SI
Ramanuj Upadhyay, PS: Rani Bagh.
Mr. Bharat Bhushan and Ms. Purva
Sharma, Advocates for R-2 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. 25227/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6605/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 0797/2022, under Sections 498A/406/34 IPC, registered at P.S.: Rani Bagh and proceedings emanating therefrom. Chargesheet has been filed under Section 498A/406/377/34 IPC and Section 4 of Dowry Prohibition Act, 1961.

2. In brief, as per the case of the petitioners, marriage between petitioner



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No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 15.03.2021. No child was born out of the wedlock. 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 30.05.2022.

3. The disputes have been amicably settled between the parties in terms of Settlement dated 18.04.2024. First motion for divorce between petitioner No. 1 and respondent No. 2 by way of mutual consent under Section 13B(1) of the Hindu Marriage Act is stated to have already been allowed by the Family Court.

4. Learned counsel for petitioners submits that disputes arise out of matrimonial differences and there is no evidence on record to support the allegations of Section 377 IPC.

5. An amount of Rs. 5,00,000/- has been paid to respondent No. 2 today through DD No. 985443 dated 19.08.2024 drawn on State Bank of India, Aundh, Distt. Pune, in favour of respondent No. 2.

6. 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.

7. Petitioners and respondent No. 2 are present in person and have been identified by SI Ramanuj Upadhyay, PS: Rani Bagh. 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 allegations are primarily on account of matrimonial differences. Further, she has no objection in case the FIR in question is quashed.



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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. 0797/2022, under Sections 498A/406/377/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at P.S.: Rani Bagh 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/R