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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6630/2024 CRL.M.A. 25327/2024 CRL.M.A. 25328/2024**
SALILL GUPTA THROUGH SPA HOLDER VIJAY GUPTA AND
ORS.Petitioner

Through: Ms. Panchajanya Batra Singh Mr.
Mahavir Singh, Mr. Himalaya Singh
and Mr. Dishant Kalra, Advs.

versus

STATE OF NCT OF DELHI AND ANRRespondent

Through: Mr. Digam Singh Dagar, APP for
State with ASI Om Prakash, PS
Mangalpuri.
Mr. Prateek Goswami, Mr. Shashank
Goswami, Advs for R-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

05.12.2024

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1. Pursuant to previous order of this Court dated 11th November, 2024, in particular para 7, no objection certificates have been given to respondent no.2, who has received them and confirms the receipt of the same.
2. There are other aspects of the settlement, i.e. compliance of para 7 of the settlement relating to withdrawing her name as a joint holder of the bank accounts. Respondent no.2/complainant, who is present in Court, states that she will take steps within the next week. Counsel for respondent no.2 shall send a confirmation of the same to counsel for petitioner with respect to this.
3. As regards the vacation of the matrimonial premises as noted in para 9 of the previous order, the said task has been carried out in presence of the IO on 17th November, 2024. The keys which are in the possession of the IO are



being handed over to the counsel for petitioner.

4. Petitioner no. 2 on behalf of the SPA holder, as well as respondent no. 2 are present in Court and are duly identified by IO and the respective counsel. Petitioner nos. 3-4 were exempted from personal appearance *vide* order of this Court dated 27th August, 2024.

5. The marriage of petitioner no.1 and respondent no. 2 resulted in a divorce by decree dated 12th July, 2024. One male child was born out of wedlock.

6. Considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Accordingly, the petition is allowed.

7. Consequently, subject to the remaining compliance to be done, on the basis of the settlement was arrived at between the parties through an MoU dated 16th May, 2024, which is on record of this Court, the FIR No. 188/2024 under Sections 498-A, 406, 354, 377 & 34 IPC registered at PS Mangol Puri, Delhi and proceedings emanating therefrom are quashed.

8. Parties shall abide by the terms of settlement.

9. Accordingly, the petition is disposed of. Pending applications are disposed of as infructuous.

10. It is however made clear that the said settlement will not affect the rights of the minor child in future.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 5, 2024/RK/sc