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

+ W.P.(CRL) 2588/2024

NEERAJ & ORS.

.....Petitioners

Through: Mr.Harshpreet Singh, Mr.Vipul Sharma
and Mr.Rohit Kumar, Advocates with petitioner
Nos.1 and 2 in person and petitioner Nos.3 to 9
through V.C.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr.Sanjay Lao, Standing Counsel with
Mr.Abhinav Kumar and Mr.Priyam Agarwal,
Advocates with SI Deval Shalkhlan
Mr.Ankush Bansal, Advocate for respondent No.2
with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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27.08.2024

1. By way of present petition, the petitioners seek quashing of FIR No.325/2022 registered under Sections 498A/406/506/34 IPC and Section 4 DP Act at P.S. Harsh Vihar, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioners wherein, petitioner No.1 is husband and petitioner Nos.2 to 9 are the in-laws of the complainant.
3. Learned APP for the State submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim.



4. Learned counsels for the parties submit that the parties have settled their dispute on 04.07.2023 before Delhi Mediation Centre, Karkardooma Courts, Delhi. It is stated that petitioner No.1 and respondent No.2 have already been granted divorce by mutual consent vide divorce decree dated 20.02.2024 passed by learned Judge, Family Court, Shahdara, Karkardooma Courts, Delhi in HMA No.229/2024. It is further submitted that out of the settlement amount, the balance amount of Rs.1,25,000/- is being paid today through a demand draft bearing No.706602 dated 23.04.2024 and revalidated on 24.07.2024 drawn on South Indian Bank. In terms of the settlement, respondent No. 2 is now left with no claim whatsoever against the petitioners.

5. Learned counsel for respondent No.2 submits that the demand draft has expired and is not valid, to which learned counsel for the petitioners submits that there is already endorsement of its revalidation. He further submits that in case the aforesaid demand draft is not encashed, he would replace the same. The undertaking is accepted, taken on record and he is made bound by the same. Respondent No.2 shall be at liberty to approach the Court again in case the aforesaid demand draft is not encashed.

Learned counsel for the petitioners further submits that the divorce decree contends in terms of the Supreme Court decision in Ganesh v. Sudhirkumar Shrivastava and Ors. reported as **2019 SCC OnLine SC 1107**, to the effect that the rights of the minor child shall remain unaffected by terms of the settlement. The undertaking is accepted, taken on record and they are made bound by the same.

6. The petitioner Nos.1 & 2 and respondent No.2, who are present in the Court and petitioner Nos.3 to 9, who have joined the proceedings through



V.C., have been identified by their respective counsels and the Investigating Officer.

7. Respondent No.2 states that she has entered into the aforesaid mediation settlement out of her own free will, volition and without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed subject to encashment of the aforesaid demand draft handed over to her today.

8. Learned counsels for the parties submit that no other proceedings are pending between the parties.

9. The parties shall remain bound by the statements made in Court today.

10. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed subject to encashment of the aforesaid demand draft.

11. The petition is disposed of in the above terms.

MANOJ KUMAR OHRI, J

AUGUST 27, 2024

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