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

+ **CRL.M.C. 6705/2024 & CRL. M.A. 25600/2024**

KUMAR GAURAV & ORS.

.....Petitioners

Through: Mr. Ranjeet Bedi, Advocate with
petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI & ANRRespondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Radha Sharma PS CWC,
Nanakpura, New Delhi.
Ms. Sonakshi Birdi, Advocate for
respondent no.2 with respondent no.2
in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.08.2024

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1. The present petition has been filed on behalf of the petitioners seeking quashing of FIR No. 0047/2021 registered under Sections 498A/406//377/354A/34 IPC at P.S. CWC, Nanakpura, 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 petitioner No. 1 (husband); petitioner Nos. 2 to 5 are the brother-in-law, mother-in-law and sister-in-law respectively of the complainant herein.
3. Mr. Nawal Kishore Jha, learned APP for the State submits that the charge-sheet has already been filed and that in the present case, the petitioners are the only accused persons against whom the charge-sheet has been filed and respondent No. 2 is the complainant/victim. It is further stated



that there is a minor child born out of the wedlock who is presently in the custody of the respondent No.2. He further states that the allegations regarding Section 377 IPC are only levelled against the petitioner No.1 (husband of respondent no.2).

4. Learned counsel for the petitioners submits that the parties have settled their disputes vide Settlement Deed dated 08.04.2024, a copy whereof has been placed on record. In terms of the settlement, the parties have already been granted divorce by mutual consent vide divorce decree dated 22.03.2023 passed by the Family Court, Tis Hazari Courts, Delhi in HMA No. 872/2023. Further, it was agreed that a sum of Rs.9,00,000/- shall be paid by petitioner No. 1 to respondent No. 2 as full and final settlement, towards her claims qua maintenance, stridhan, alimony, etc. It is further submitted that out of the settled amount of Rs.9,00,000/-, the balance amount of Rs.2,00,000/- is being paid today through a demand draft bearing number 509481 dated 28.08.2024 drawn on ICICI Bank, Connaught Place, New Delhi.

5. Learned counsel for the petitioners, on instructions from the petitioner No.1, submits that the petitioner No.1 is ready and willing to state that the rights of the minor child as available under the law, who is in the custody of respondent No.2, shall remain unaffected by the terms of the settlement. The petitioner No.1, who is present in Court, reiterates the same. In acknowledgement of the said statement, petitioner No.1 and his counsel have signed the order sheet.

6. The petitioners and the respondent No.2, who are present in Court, have been identified by their respective counsels as well as by I.O./ SI Radha Sharma PS CWC, Nanakpura, New Delhi.



7. Respondent No.2 states that she has settled her disputes with petitioner No.1 out of her own free will, volition and without any coercion. She also acknowledges the receipt of the entire settled amount and submits that she has no objection in case the FIR is quashed against the petitioners, subject to the encashment of the demand draft of Rs.2,00,000/- handed over to her today.

8. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

9. The parties shall remain bound by the statements and the undertaking 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 aforesaid demand draft of Rs.2,00,000/-.

11. With the above directions, the petition is disposed of alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

AUGUST 28, 2024/rd