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

+ W.P.(CRL) 3761/2023, CRL.M.A. 34980/2023 (stay)

PRAMOD KUMAR YADAV & ORS.

.....Petitioners

Through: Mr. Gaurav Chauhan and Mr. Sumit Verma, Advocates with petitioners in person.

versus

STATE (NCT OF DELHI) THROUGH SHO PS BURARI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.) with Mr. Abhinav Kumar Arya, Advocate for the State with SI Rajeev, PS Burari.
Counsel for the respondent No. 2 (appearance not given) with R2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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09.07.2024

CRL.M.A.34981/2023 (Exemption)

1. Exemption allowed, subject to all jus exceptions.
2. The application stands disposed of.

W.P.(CRL) 3761/2023

3. The Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners, seeking to



quash the FIR No. 426/2019, under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as “IPC, 1860”*) at Police Station Burari, Delhi.

4. Issue notice.

5. Mr. Sanjay Lao, learned Standing Counsel appearing on advance notice, accepts notice on behalf of the State.

6. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2, according to Hindu rites and ceremonies.

7. It is further submitted that on 26.12.2019, on the complaint of respondent No. 2, an FIR No. 426/2019, under Sections 498A/406/34 of the IPC, got registered at Police Station Burari, Delhi.

8. It is stated that the petitioner No. 1 and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement Deed dated 25.07.2022, wherein it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is further agreed between the parties that they shall co-operate with each other in quashing the aforesaid FIR.

9. It is also stated that on 03.01.2023, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

10. In view of the Settlement Deed dated 25.07.2022, the present petition has been filed.

11. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned.

12. A sum Rs. 2,00,000/-, had been paid by the petitioner to the



respondent No. 2/wife, towards the claim for past, present and future alimony. The respondent No. 2 endorses that she has already received Rs.2,00,000/- and parties undertake to remain bound by the terms and conditions of the aforesaid Settlement Deed.

13. The custody of the minor daughter is with the mother and she undertakes that she would not obstruct any meeting which the petitioner may seek with the child in future and does not prejudice any future rights of the parties in regard to the guardianship/custody of the minor child.

14. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 25.07.2022 and thus, no fruitful purpose will be served in continuing with the FIR.

15. The present petition has been signed by all the petitioners and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 25.07.2022 and they also submit that the said Settlement Deed dated 25.07.2022 has been arrived at between the parties without any pressure and coercion.

16. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

17. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

18. Moreover, there is no legal impediment in quashing the FIR in



question.

19. Accordingly, FIR No. 426/2019, under Sections 498A/406/34 of the IPC, registered at Police Station Burari, Delhi and all consequential proceedings emanating therefrom are quashed.

20. The petition stands disposed of. The pending application also stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 9, 2024/RS