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

+ **CRL.M.C. 6735/2024**

HIMANSHU KUMAR & ORS.

.....Petitioners

Through: Mr. Naresh Gupta and Ms. Nikita
Gupta, Advocates with petitioners.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with SI Manita, PS Mangol
Puri.
Ms. Niti Wadhawan, Advocate for R2
with R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.08.2024

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1. The Petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the petitioners for quashing of FIR No. 485/2019 for the offence under Section 498A/406/34 of the Indian Penal Code (*hereinafter referred to as 'IPC, 1860'*) registered at Police Station Mangolpuri (District North-West), Delhi and the Charge Sheet and consequent criminal proceedings emanating therefrom.

2. Issue notice.

3. Mr. Satinder Singh Bawa, learned APP accepts notice on behalf of the State.

4. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 17.02.2018, according to the Hindu rites and ceremonies and no child was born out of the said wedlock. It is



submitted that the petitioner No. 2 is mother-in-law of the respondent No. 2, Petitioner No. 3 is the brother-in-law, Petitioner No. 4 is Chachi Saas, petitioner No. 5 is sister-in-law and petitioner No. 6 is Chacha Sasur of the respondent No. 2. It is submitted that the petitioner No. 1 and the respondent No. 2 could not adjust with each other due to temperamental differences and they have been living separately w.e.f. 10.11.2018 and there has been no cohabitation of the parties since then.

5. It is further submitted that subsequently, respondent No. 2 filed a complaint before the CAW Cell, North-West District, Delhi against the petitioners, which resulted into an FIR No. 485/2019 for the offence under Section 498A/406/34 of the IPC, registered at Police Station Mangolpuri (District North-West), Delhi wherein Charge Sheet has been filed and the same is now pending before the Court of Metropolitan Magistrate, Rohini Courts, Delhi.

6. It is stated that the petitioner and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement Deed dated 08.05.2023 at Mediation Centre, Rohini Courts, Delhi wherein it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner/husband shall dissolve their marriage by decree of mutual consent. It is stated that petitioner/husband shall pay a sum of Rs. 3,50,000/- towards full and final settlement of all the claims (past, present and future) of the respondent No. 2/wife, in three instalments by way of DD/Pay Order. It is also stated that the petitioner shall pay first instalment of Rs. 1,15,000/- to respondent No. 2/wife, at the time of recording of statements in First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and the second instalment of Rs. 1,15,000/- shall



be paid to the respondent No. 2, at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955. It is further stated that the balance amount of Rs.1,20,000/- shall be paid by the petitioner No. 1 to the respondent No. 2 at the time of quashing the abovesaid FIR.

7. It is stated that the petitioner has already paid the first instalment of Rs. 1,15,000/- to the respondent No. 2, at the time of recording of statements in First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and the second instalment of Rs., 1,15,000/- has been paid by the petitioner, to the respondent No. 2, at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955. A cheque for a sum Rs. 1,20,000/- i.e the balance amount, has been handed over to the respondent No. 2/wife by the petitioner *vide* Bankers Cheque No. 288427 dated 13.08.2024, made in favour of the respondent No. 2, drawn on Canara Bank, Uttam Nagar, New Delhi-110059 and the same has been accepted by the respondent No. 2/wife.

8. It is also stated that on 07.11.2023, the marriage between petitioner and respondent No. 2, had been dissolved as per the Hindu Law.

9. In view of the Settlement Deed dated 08.05.2023, the present Petition has been filed.

10. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned. . The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 08.05.2023 and thus, no fruitful purpose



will be served in continuing with the FIR.

12. The present petition has been signed by the petitioner and is supported by his affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 08.05.2023 and they also submit that the said Settlement Deed dated 08.05.2023 has been arrived at between the parties, without any pressure and coercion.

13. Today, the 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.

14. 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.

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

16. Accordingly, FIR No. 485/2019 for the offence under Section 498A/406/34 of the IPC, registered at Police Station Mangolpuri (District North-West), Delhi and all consequential proceedings emanating therefrom are quashed.

17. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 29, 2024/RS