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

+ **CRL.M.C. 6736/2024**

VINEET KUMAR AND ORS.

.....Petitioners

Through: Ms. Nidhi Gupta (D/8637/2018),
Advocate along with with Petitioners
in person.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State.

Ms. Ritu Sharma (D/4242/15),
Advocate for R-2 along with
Respondent No.2 in person.

SI Deepak Tanwar, PS Kishangarh

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **29.08.2024**

CRL.M.A. 25722/2024 (Exemption)

Allowed, subject to all just exceptions.

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1. The present petition under Section 528 of BNSS, 2023 has been filed by the Petitioners for quashing FIR No.431/2022 dated 11.09.2022, registered at Police Station Kishan Garh for offences punishable under Sections 498A/406/34 IPC. The present FIR is the outcome of a matrimonial dispute between the parties. The Respondent No.2 is the Complainant and the Petitioner No.1 is the husband of the Complainant.

2. The principal ground on which the present petition has been filed is that the parties have settled the dispute *vide* a Settlement Agreement dated

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21.08.2023 before Counselling Cell, Family Court, Tis Hazari, Delhi. It is stated the parties had filed a petition for divorce by mutual consent before the Ld. Judge, Family Court-02, Tis Hazari Courts, Delhi and by a Judgment and Decree dated 13.05.2024, the marriage between the complainant/Respondent No.2 and the Petitioner No.1/husband stands dissolved. It is further stated in the petition that under the settlement, the Petitioner No.1/husband has agreed to pay a sum of Rs.8,00,000/- to the complainant/Respondent No.2 towards the full and final settlement of all her claims in the following manner:

- a. A sum of Rs.2,00,000/- was to be paid at the time of recording of statement of the First Motion.
 - b. A sum of Rs.3,00,000/- was to be paid at the time of recording of statement of the Second Motion.
 - c. A sum of Rs.3,00,000/- was to be paid at the time of quashing of the present FIR.
3. The settlement has been only arrived at between the Petitioner No.1/husband and the Respondent No.2/wife. It is made clear that this will not affect the rights of the minor child who is entitled to claim his rights in accordance with law.
4. Today, the parties are present in Court. The Petitioners have been identified by their Counsel and the Investigating Officer. The Respondent No.2/complainant has been identified by her Counsel and the Investigating Officer. The Complainant/Respondent No.2 states that she has received the entire amount as per the settlement and has settled all her matrimonial disputes with the Petitioners out of her own free will, without pressure, coercion or undue influence and states that she does not want to pursue the



present case any further and requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the settlement and proceedings recorded before this Court.

5. Considering the fact that the dispute is a matrimonial dispute and the parties have amicably settled their disputes, the present case is squarely covered under the law laid down by the Supreme Court in Gian Singh v. State of Punjab, (2012) 10 SCC 303. In view of the settlement arrived at between the parties, this Court is satisfied that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.431/2022 dated 11.09.2022, registered at Police Station Kishan Garh for offences punishable under Sections 498A/406/34 IPC and the proceedings emanating therefrom are hereby quashed

6. The petition stands disposed of in above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 29, 2024

S. Zakir