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

+ **CRL.M.C. 6766/2024**

PRADEEP SINGH AND ANR

.....Petitioners

Through: Mr. Jagjit Singh, Advocate with
petitioners.

versus

STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with SI Braham Parkash, PS
Sultan Puri.
Mr. Bharat Kumar Sharma, Advocate
for R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.08.2024

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1. The Petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S., 2023'*) has been filed on behalf of the petitioners, seeking to quash the FIR No. 477/2012 for the offence under Section 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC, 1860'*) registered at Police Station Sultan Puri, Delhi.
2. Issue notice.
3. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between



petitioner and respondent No. 2 on 23.06.2024 according to the Sikh rites and ceremonies and two male child were born out of the said wedlock. Due to temperamental differences and conflicts, petitioner No. 1 and the respondent No. 2 are living separately from each other since 2011 and thereafter no co-habitation between them.

5. It is further submitted that on the complaint of the respondent No. 2, an FIR bearing No. 477/2012 for the offence under Section 498A/406/34 of the IPC, has been registered at Police Station Sultan Puri, Delhi. Thereafter, respondent No. 2 filed a Petition under Section 125 CrPC for grant of maintenance and the said Petition was allowed by the then Addl. Principal Judge, Family Court, Rohini Courts, Delhi on 11.03.2014. Respondent No. 2/wife also filed the Execution Petition against the petitioner, which is already satisfied.

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 21.08.2023, before the Delhi 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. Another Settlement Agreement has been executed between the parties on 27.10.2023. It is mutually stated that petitioner/husband shall pay a sum of Rs. 1,50,000/- towards full and final settlement of all the claims of the respondent No. 2/wife. It is also stated that the petitioner shall pay of Rs. 50,000/- to the respondent No. 2/wife, by way of DD, at the time of recording of statements in First Motion Petition under Section 13(B) (i) of the Hindu Marriage Act, 1955 and the amount of Rs. 50,000/- shall be paid to the respondent No. 2, by way of Demand Draft, at



the time of recording of statements in Second Motion Petition under Section 13(B)(ii) of the Hindu Marriage Act, 1955. It is stated that the amount of Rs.50,000/- shall be paid to the respondent No. 2, by way of Demand Draft, at the time of quashing of FIR. It is further stated that the sons shall remain in the care and custody of accused/husband and the complainant/wife shall have the visitation rights as per their convenience.

7. It is stated that the petitioner has already paid Rs. 50,000/- to the respondent No. 2, at the time of recording of statements in First Motion Petition under Section 13(B) (1) of the Hindu Marriage Act, 1955 and the amount of Rs.50,000/- 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. The balance amount of Rs.50,000/-, has been paid in cash to the respondent No. 2/wife and the same has been accepted by the respondent No. 2/wife. The Settlement is without prejudice to the rights of the child.

8. It is also stated that on 07.06.2024, the marriage between petitioner and respondent No. 2, had been dissolved as per the Hindu law.

9. In view of the Settlement Deed dated 21.08.2023 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 21.08.2023 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 21.08.2023 and they also submit that the said Settlement Deed dated 21.08.2023 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. 477/2012 for the offence under Section 498A/406/34 of the IPC, registered at Police Station Sultan Puri, Delhi and all consequential proceedings emanating therefrom are quashed.

17. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 29, 2024/RS