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

+ **W.P.(CRL) 3773/2023**

SUMIT KUMAR & ANR.

..... Petitioners

Through: Ms. Gitanjali Malviya, Ms. Sana Ul
Haq, Mr. Sunil Sagar, Ms. Deepu
Choudhary, Mr. Tabish Rajput, Ms.
Kusum Pandey & Ms. Nazmaa,
Advocates.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) for the State with SI
Abhishek Gulani, P.S.: Kalyanpuri,
Delhi.

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+ **W.P.(CRL) 784/2024**

VIJAY KUMAR

..... Petitioner

Through: Ms. Gitanjali Malviya, Ms. Sana Ul
Haq, Mr. Sunil Sagar, Ms. Deepu
Choudhary, Mr. Tabish Rajput, Ms.
Kusum Pandey & Ms. Nazmaa,
Advocates.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with SI Abhishek Gulani, P.S.:
Kalyanpuri, Delhi.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

04.04.2024

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1. The present writ petitions under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973



('Cr.P.C.') have been filed by the petitioners seeking quashing of FIR bearing No. 155/2019, registered at Police Station Kalyanpuri, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC').

2. Issue notice. Counsel as above accept notice on behalf of the State.
3. All the petitioners in the present connected writ petitions are present before this Court, and have been identified by their counsel, as well Investigating Officer SI Abhishek Gulani, Police Station Kalyanpuri, Delhi.
4. Brief facts of the case are that Sumit Kumar, the petitioner in W.P.(CRL) 3773/2023, got married to Poonam Garg (respondent no. 2 herein), on 16.07.2005, according to Hindu rites and customs. Due to certain differences that arose between them, the parties above started living separately since 27.09.2019. On the complaint of respondent no. 2, an FIR got registered bearing No. 155/2010, against the petitioners, at Police Station Kalyanpuri, Delhi, for offences punishable under Sections 498A/34 of IPC. It is stated that the respondent no. 2 had filed a petition for domestic violence, which is pending before the Court of Chief Judicial Magistrate, Chattisgarh, against the petitioners. It is further stated that in August 2021, the matter between the parties got amicably settled through oral settlement. It is further submitted that a divorce decree was granted to the parties above on 15.02.2022. Hence, the present petition is filed for quashing of the said FIR.
5. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been



amicably settled between the parties and affidavits showing the protection of interest of minor children as per the judgment titled as ***Ganesh vs. Sudhirkumar Shrivastava, (2020) 20 SCC 787*** passed by the Hon'ble Supreme Court have been filed and the same are on record.

6. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, *stridhan*, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner.

7. Today, the complainant, who is present in Court states that she has no objection if the FIR is quashed.

8. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

9. Accordingly, FIR bearing no. 155/2019, registered at Police Station Kalyanpuri, Delhi, for offences punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.

10. The present petitions stand disposed of.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
APRIL 4, 2024/at

[Click here to check corrigendum, if any](#)