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

+ **CRL.M.C. 9475/2023**

RISHUB MALHOTRA AND ORS

..... Petitioners

Through: Mr. Shashank Goswami, Mr. Anish Sharma and Mr. Prateek Goswami, Advocates with petitioner Nos.1 to 3 in person and petitioner No.4 through VC.

versus

STATE OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State with SI Sandeep PS Malviya Nagar, New Delhi.

Mr. Umesh Kumar Burwal and Mr. Akash Singh, Advocate with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

23.02.2024

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1. The present petition has been filed under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 83/2020 registered under Sections 498-A/406/506/34 IPC and 66/66C of IT Act, 2000 at P.S. Malviya Nagar, New Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No. 1 (husband) and petitioner Nos. 2-4 are the in-laws of the complainant.
3. Mr. Nawal Kishore Jha, learned APP for the State submits that in the present case petitioners are the only accused persons and respondent No. 2 is



the only complainant/victim. He further states that charge-sheet has been filed in the present case. He further states that there is a child born out of the wedlock who is in the custody of the respondent No.2.

4. Learned counsel for the petitioners submits that the parties have settled their disputes vide settlement deed 08.12.2023. In terms of the settlement, the parties have already been granted divorce by mutual consent vide divorce decree dated 15.12.2023 passed by the Family Court, South District, Saket Court, New Delhi in HMA No. 2321/2023. It was agreed that a sum of Rs.1,25,00,000/- as full and final settlement shall be paid by petitioner No. 1 to respondent No. 2 towards her claims qua maintenance, stridhan, alimony, etc. It is further submitted that out of the settled amount of Rs.1,25,00,000/-, remaining balance amount of Rs.45,00,000/- is being paid today through two demand drafts bearing numbers 912903 and 912902 drawn on Punjab National Bank, Lift Road, Shimla, H.P., photocopies of which have been placed on record. He further states that in view of the settlement arrived at between the parties, the rights of the minor child shall not be affected and an affidavit filed by petitioner No.1 in this regard which is handed over today in the Court, is taken on record.

5. Learned counsel for the petitioners further states that there is a child out of the wedlock who is in the custody of respondent No.2. He, on instructions, states that the rights of the child shall remain unaffected by the terms of the above settlement and has also filed an affidavit in this regard.

6. Petitioners, who are present in Court, have been identified by their counsel as well as by I.O./ SI Sandeep PS Malviya Nagar, New Delhi.

7. Respondent No. 2, who is also present in Court and identified by I.O., states that she has settled her disputes with petitioner No.1 of her own free



will, volition and without any coercion. She also acknowledges the receipt of entire settled amount and submits that she has no objection in case the FIR is quashed against the petitioners subject to encashment of the demand drafts of Rs.45,00,000/- handed over to her today.

8. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

9. The parties shall remain bound by the statements and undertaking made in Court today.

10. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to encashment of aforesaid demand draft of Rs.45 lac.

11. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

FEBRUARY 23, 2024/*rd*