



2024:DHC:6576



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 30.08.2024

+ CRL.M.C. 6794/2024

KAMAL GAUR & ORS.

.....Petitioners

Through: Mr. Pravesh Dabas, Ms. Bhumika
Gaba and Mr. Hitesh Khandelwal,
Advs.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP for the State
with ASI Shri Krishan, CAW Cell
Dwarka and SI Mamta, Sec-23
Dwarka.
Mr. Vijay Kasana and Mr. Chirag
Verma, Advs. for R-2 alongwith R-2
in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 372/2021 under Sections 498A/406/34 IPC registered at P.S.: Sector 23 Dwarka and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 in person appear on advance notice and accept notice.
3. In brief, as per the case of the petitioners, marriage between petitioner



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No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 01.11.2017. No child was born out of the said wedlock. Due to matrimonial differences, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 02.09.2021.

4. The disputes have been amicably settled between the parties in terms of terms of Settlement Deed dated 24.01.2024. The marriage between petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 13-B(2) of the Hindu Marriage Act, vide decree dated 20.05.2024.

5. An amount of Rs. 3,00,000/- (Rupees Three Lakh Only) has been paid to respondent No.2 today through DD No.156783 dated 10.07.2024 drawn on Axis Bank, Ballabhgarh Branch, Haryana, in favour of respondent No.2.

6. Learned APP for the State submits that in view of amicable settlement arrived between the parties, the State has no objection in case the FIR in question is quashed.

7. Petitioners and Respondent No. 2 are present in person and have been identified by ASI Shri Krishan, CAW Cell Dwarka and SI Mamta, Sector 23 Dwarka. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by



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keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No. 372/2021 under Sections 498A/406/34 IPC registered at P.S.: Sector 23 Dwarka and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 30, 2024

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