



2024:DHC:6683



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 02.09.2024

+ CRL.M.C. 6847/2024

HANNY WADHWA AND ORS

.....Petitioners

Through: Mr. Kartickay Mathur and Mr.
Shubham Mishra, Advs. alongwith
petitioners in person.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Sunny Khatri, PS Vijay
Vihar and SI Santosh, PS SMRS.
Mr. Randhir Kumar, Adv. 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)****CRL.M.A. 26172/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6847/2024

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.88/2019, under Sections 498A/406/34 IPC registered at P.S.: Vijay Vihar and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for



respondent No. 2 along with 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 No.1 and respondent No. 2 was solemnized according to Hindu Rites and ceremonies on 22.05.2011. A male child was born out of the 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 19.04.20219.

4. The disputes are stated to have been amicably settled between the parties in terms of Memorandum of Agreement dated 27.07.2024 whereby petitioner no. 1 and respondent no. 2 have decided to reside separately. The custody of male child is stated to be with petitioner no. 1.

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

6. Petitioners and respondent No. 2 are present in person and have been identified by SI Sunny Khatri, PS: Vijay Vihar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion and submit that they shall abide by the adjudication in respect of the custody case of the child. 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.

7. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of



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Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No.88/2019, under Sections 498A/406/34 IPC registered at P.S.: Vijay Vihar 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

SEPTEMBER 2, 2024

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