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

+ CRL.M.C. 6889/2024 and CRL.M.A. 26335/2024

PRASHANT & ANR.Petitioners

Through: Mr.Manish Kumar, Mr.Anuj Arya,
Mr.Lavish Rajput, Mr.Divyanshu and Mr.Vishu,
Advocates with petitioners in person

versus

THE STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Mahendra Patel
Mr.Anupam Thakur, Ms.Shoumitanag, Mr.Nem
Pal, Mr.H.S. Rai, Mr.Achal, Mr.Mahesh,
Ms.Poonam, Mr.Mohd. Adnan, Advocates for
respondent No.2 with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **02.09.2024**

1. By way of present petition, the petitioners seek quashing of FIR No.449/2021 registered under Sections 498A/354(A)/342/323/377/34 IPC at P.S. Narela, 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 petitioners wherein, petitioner No.1 is the husband and petitioner No.2 is the father-in-law of the complainant.
3. Learned APP for the State submits that the petitioners are the accused persons and respondent No.2 is the complainant/victim. He states, on instructions that the allegation regarding Section 377 IPC has been levelled



only against petitioner No.1/husband. He further submits that besides the present petitioners there are 5 other accused persons, who have been kept in column No.12.

4. At this stage, learned counsel for the petitioners submits that no summons have been issued against the aforesaid accused persons.

5. Learned counsels for the parties submit that the parties have settled their dispute on 07.02.2024 before Delhi Mediation Centre, Rohini District Courts, Delhi. It is stated that petitioner No.1 and respondent No.2 have already been granted divorce by mutual consent vide divorce decree dated 15.07.2024 passed by learned Judge, Family Court, Karkardooma Courts, Delhi in HMA No.755/2024. It is further submitted that out of the settlement amount, the balance amount of Rs.6,50,000/- is being paid today through a demand draft bearing No.116032 dated 20.08.2024 drawn on State Bank of India. In terms of the settlement, respondent No. 2 is now left with no claim whatsoever against the petitioners.

Learned counsel for the petitioners further submits that the Settlement/Agreement contends in terms of the Supreme Court decision in Ganesh v. Sudhirkumar Shrivastava and Ors. reported as **2019 SCC OnLine SC 1107**, to the effect that the rights of the minor child shall remain unaffected by terms of the settlement. The undertaking is accepted, taken on record and they are made bound by the same.

6. The petitioners and respondent No.2, who are present in the Court, have been identified by their respective counsels and the Investigating Officer.

7. Respondent No.2 states that she has entered into the aforesaid mediation Settlement/Agreement out of her own free will, volition and



without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed subject to encashment of the aforesaid demand draft handed over to her today.

8. Learned counsels for the parties submit that no other proceedings are pending between the parties.

9. The parties shall remain bound by the statements 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 the aforesaid demand draft.

11. The petition is disposed of in the above terms alongwith the pending application.

MANOJ KUMAR OHRI, J

SEPTEMBER 2, 2024

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