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

+ **CRL.M.C. 13/2024**

MUKESH GUPTA AND OTHERS

..... Petitioners

Through: Mr. Mohit Bansal, Advocate

versus

THE STATE GOVT. OF NCT OF DELHI & ANR..... Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Naveen, P.S. Palam Village,
Delhi.

Mr. Sandeep Kumar, Advocate for R-
2 (through VC) and R-2-in-person.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

03.01.2024

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CRL.M.A. 41/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 13/2024

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners seeking quashing of FIR bearing no. 126/2020, registered at Police Station Palam Village, Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code and all consequential proceedings emanating therefrom.
4. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of the State.
5. Petitioners are present before this Court and have been identified by their counsel Mr. Mohit Bansal and Investigating Officer (IO) SI Naveen



from Police Station Palam Village, Delhi.

6. Brief facts of the case are that the marriage between the petitioner no. 1 and respondent no. 2 was solemnized on 06.02.2013 as per Hindu rites and ceremonies. It is stated that one female child was born out of the said wedlock on 17.09.2015. It is stated that due to temperamental differences and certain other reasons, both the parties started living separately from each other since 19.03.2018. On the complaint of respondent no. 2, the present FIR bearing no. 126/2020, was registered at Police Station Palam Village, Delhi for offences punishable under Sections 498A/406/34 of IPC against the petitioners. It is stated that the entire dispute has been amicably settled between the parties before Mediation Centre, Dwarka Courts, Delhi *vide* Settlement Deed dated 21.11.2023 and both the parties have obtained divorce *vide* divorce decree dated 22.12.2023.

7. 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 before Mediation Centre, Dwarka Courts, Delhi *vide* Settlement Deed dated 21.11.2023 and affidavits showing the protection of interest of minor child 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.

8. 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 no.1 and other family members.



9. The petitioner no. 1 had paid a sum of Rs. 13,00,000/- in three installments in the following manner:

- a. First installment of Rs. 4,50,000/- paid to respondent no. 2 in the first motion petition.
- b. Second installment of Rs. 4,50,000/- paid to respondent no. 2 in the second motion petition.
- c. Third/Final instalment of Rs. 4,00,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

10. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 4,00,000/- today, i.e., 03.01.2024 *vide* DD No. 596344 dated 22.12.2023 drawn on IDFC FIRST Bank, and has no objection if the FIR is quashed.

11. 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.

12. Accordingly, FIR bearing no. 126/2020, registered at Police Station Palam Village, Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. The petition stands disposed of.

14. The order be uploaded on the website forthwith.

JANUARY 3, 2024/kct

SWARANA KANTA SHARMA, J

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