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

+ **CRL.M.C. 28/2024**

DAWEND AND ORS.

..... Petitioner

Through: Mr. Rajnish Pratap, Mr. Vimal and
Mr. Santosh Kumar, Advs. with
petitioners no. 1 – 4 in person

versus

THE STATE OF NCT OF DELHI AND ANR. Respondent

Through: Mr. Raj Kumar, APP for State with SI
Mahendra Kali Police Station
Dhalswa Dairy
Mr. Nitin Sharma, Adv. with
respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

03.01.2024

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CRL.M.A. 87/2024 (exemption)

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

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3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.375/2022 under Sections 406/498A IPC registered at Police Station Bhalswa Dairy, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



5. The petitioner no.1 (former husband), petitioners no. 2 – 4, who are close relatives of petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Mahendra Kali Police Station Bhalswa Dairy. In so far as petitioner no. 5 and 6 are concerned, it is submitted that they could not appear in Court for the reasons that the Uttar Pradesh State Road Transport Corporation is on strike. The exemption from personal presence of petitioners no. 5 and 6 is allowed.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 24.05.2015 according to Hindu Rites and Customs. Out of the said wedlock, one girl child, namely, Tanvi was born.

7. On account of temperamental issues, certain disputes arose between the parties and they started living separately w.e.f. 10.02.2021. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of memorandum of understanding dated 07.07.2023, which is annexed as Annexure P3 to the present petition.

9. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 01.11.2023, which is annexed as Annexure P4 to the present petition.

10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs. 1,70,000/- to the respondent no.2 towards



full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs. 1,20,000/- has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs. 50,000/- has been paid to the respondent no.2 today in court by the petitioner no.1 by way of Demand Draft bearing No.056565 dated 07.12.2023 issued by Axis Bank Ltd., Ashok Vihar, New Delhi.

11. The receipt of entire amount of Rs.1,70,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

13. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.375/2022 under Sections 406/498A IPC registered at Police Station Bhalswa Dairy, Delhi alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 3, 2024/N.S. ASWAL