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

+ W.P.(CRL) 5/2024 & CrI. M.A. 50/2024

HEMANT KUMAR SHARMA AND ORS. Petitioners

Through: Ms. Kusum Gupta, Advocate along
with petitioners in person.

versus

STATE NCT OF DELHI AND ANR. Respondents

Through: Mr. Jasraj Singh Chhabra, Advocate
for Ms. Nandita Rao, ASC (CrI.) for
State with SI Sunny Khatri, PS Vijay
Vihar, New Delhi (M:8527654022).
Mr. Yogesh Pandey and Mr. Saurav
Panwar, Advocates for respondent
No.2 with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.01.2024

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1. The present petition has been filed under Article 226/227 of Constitution of India read with Section 482 Cr.P.C. seeking quashing of FIR No. 796/2017 registered under Sections 498A/406/34 IPC and Section 4 of the D.V. Act at P.S. Vijay Vihar, 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 petitioner No.1 (husband) whereas petitioner Nos. 2 to 5 are the in-laws and other relatives of the complainant.
3. Mr. Jasraj Singh Chhabra, Advocate appearing for Ms. Nandita Rao, ASC (CrI.) for State, submits that the petitioners are the only accused persons and respondent No. 2 is the only complainant/victim.
4. Learned counsel for the petitioners submits that the parties have



entered into a Settlement Agreement dated 16.04.2018 before the Delhi Mediation Centre, Rohini District Courts, Delhi. It is stated that the parties have already been granted divorce by mutual consent vide divorce decree dated 14.03.2019 passed by the Principal Judge, Family Court, Rohini District Courts, Delhi in HMA No. 571/2019. As per the terms of the settlement, it was agreed that a sum of Rs.5,00,000/- as full and final settlement shall be paid by petitioner No.1 to respondent No.2. Today a demand draft No.000088 drawn on Indraprastha Sehkari Bank Limited for a sum of Rs.1,50,000/- has been handed over to the complainant/respondent No.2 and it is assured that the same would get encashed on presentation.

5. Petitioners, who are present in the Court are identified by their counsel as well as by the I.O./ SI Sunny Khatri, PS Vijay Vihar, New Delhi.

6. Respondent No. 2 who is present in person is also identified by the I.O./ SI Sunny Khatri, PS Vijay Vihar, New Delhi and states that she has entered into the aforesaid Settlement Agreement dated 16.04.2018 out of her own free will, volition and without any coercion. An affidavit has been filed by respondent No.2/complainant to the effect that she has amicably settled all her disputes and differences with the petitioners with the intervention of the common friends, relatives, elders and well-wishers.

7. An affidavit of petitioner No.1 in terms of the decision of the Supreme Court in Ganesh v. Sudhirkumar Shrivastava and Ors. reported as **2019 SCC OnLine SC 1107** has been handed over, which is taken on record. The parties further reiterate that the settlement arrived at is only between them and shall in no way affect the rights of the minor child as available under law.

8. Respondent no.2 further states that she has no objection if the present



FIR and consequent proceedings are quashed. In terms of the aforesaid Settlement Agreement, respondent No. 2 is now left with no claim whatsoever against the petitioners.

9. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

10. The parties shall remain bound by the statements and undertaking made in Court today.

11. 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.

12. With the above directions, the petition along with pending application is disposed of.

MANOJ KUMAR OHRI, J

JANUARY 5, 2024/rd