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

+ CRL.M.C 42/2024

GOVIND SHARMA

..... Appellant

Through: Mr. Arvind Kumar, Adv.

versus

STATE OF NCT & ORS.

..... Respondents

Through: Mr. Satinder Singh Bawa, APP for
State with SI Kartar Singh PS Uttam
Nagar

Ms. Meena Jha, Adv. for R2 with R2
in person

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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19.01.2024

1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.125/2014 under Sections 498A/406/34 IPC registered at Police Station Uttam Nagar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. 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.
3. He further points out that in the present case the charge sheet was filed against four accused, whereas, cognizance has been taken by the learned Metropolitan Magistrate only against the present petitioner *vide* order dated 06.08.2016.
4. The petitioner no.1 (former husband), 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 Kartar Singh PS Uttam Nagar.

5. The brief facts of the case are that the marriage between the petitioner and respondent no. 2 was solemnized on 11.02.2005 according to Hindu Rites and Customs. Out of the said wedlock, two children were born. A daughter namely, Yukti, who is aged about 17 years is in the care and custody of the respondent no. 2 (mother), and a son, namely, Saksham @ Ayaan who is aged about 15 years is in the care and custody of the petitioner (father).

6. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 2013. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties were referred to Counselling Cell, Family Court, Tis Hazari, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement report dated 18.04.2023, which is annexed as Annexure P5 to the present petition.

8. 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 and respondent no.2 have obtained a decree of divorce dated 10.08.2023, a copy of which is annexed as Annexure P6 to the present petition.

9. It is a term of the settlement between the parties that the petitioner shall pay a total sum of Rs.35,00,000/- 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. 25,00,000/- 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.10,00,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.371405 dated 11.12.2023 issued by Canara Bank, Ganesh Nagar, New Delhi-110018.

10. The receipt of entire amount of Rs.35,00,000/- is acknowledged by the respondent no.2, who is present in court.

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

12. 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.

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

14. Consequently, the petition is allowed and the FIR No.125/2014 under Sections 498A/406/34 IPC registered at Police Station Uttam Nagar alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

JANUARY 19, 2024

N.S. ASWAL