



\$~41

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

+ **CRL.M.C. 53/2024**

RAJ KUMAR SHARMA & ORS.

..... Petitioners

Through: Mr. R.K. Panwar, Advocate
alongwith petitioners in person

versus

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

Through: Mr. Naresh Kumar Chahar, APP for
the State with IO SI Subah Singh,
P.S. Farsh Bazar, Delhi
Respondent no. 2 in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

04.01.2024

%

CRL.M.A. 208/2024 (exemption)

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

CRL.M.C. 53/2024

3. The instant petition under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners seeking quashing of FIR bearing no. 0208/2021 registered at Police Station Farsh Bazar, Delhi for offences punishable under Sections 498A/406/506/34 of the Indian Penal Code and all consequential proceedings emanating therefrom.
4. Issue notice. Mr. Naresh Kumar Chahar, learned APP accepts notice



on behalf of the State.

5. Petitioners are present before this Court and have been identified by their counsel Mr. R.K. Panwar and Investigating Officer (IO) SI Subah Singh from Police Station Farsh Bazar, Delhi.

6. Brief facts of the case are that the marriage between the petitioner no. 1 and respondent no. 2 was solemnized on 08.11.2019 as per Hindu rites and ceremonies. It is stated that no child was born out of the said wedlock. It is stated that due to some temperamental differences, both the parties started living separately since 18.04.2020. On the complaint of respondent no. 2 before the ACP, CAW cell, Shahdara, Delhi, the present FIR bearing no. 0208/2021, was registered at Police Station Farsh Bazar, Delhi for offences punishable under Sections 498A/406/506/34 of IPC against the petitioners. After completion of investigation, the chargesheet was filed before the concerned Court. It is stated that the entire dispute has been amicably settled between the parties before the Counselling Cell, Family Courts, Karkardooma, Delhi *vide* Settlement dated 12.09.2022 and both the parties have obtained divorce *vide* divorce decree dated 19.09.2023.

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 the Counselling Cell, Family Courts, Karkardooma, Delhi *vide* Settlement dated 12.09.2022 and that they have obtained decree of divorce by mutual consent from the concerned Court.

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. 7,25,000/- in four installments in the following manner:

- a. First installment of Rs. 1,00,000/- paid to respondent no. 2 before the learned Trial Court on 27.09.2022.
- b. Second installment of Rs. 2,00,000/- paid to respondent no. 2 at the time of recording of statement in the first motion petition.
- c. Third installment of Rs. 2,25,000/- paid to respondent no. 2 at the time of recording of statement in the second motion petition.
- d. Fourth/Final instalment of Rs. 2,00,000/- 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. 2,00,000/- today, i.e., 04.01.2024 *vide* DD No. 605661 dated 08.12.2023 drawn on Bank of Baroda, Narela, Delhi-110040, 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. 0208/2021 registered at Police Station



Farsh Bazar, Delhi for offences punishable under Sections 498A/406/506/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. The present petition stands disposed of.
14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 4, 2024/ns

Click here to check corrigendum, if any