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

+ **W.P.(CRL) 32/2024**

PRAFULL AGGARWAL & ANR.

..... Petitioners

Through: Mr. M.K. Vashishth, Mr. Aashish Kumar, Mr. Sagar, Mr. Pusshp Gupta, Advocates alongwith petitioners in person

versus

STATE (GOVT OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Anand V. Khatri, ASC for the State alongwith IO
Respondent no. 2 in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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04.01.2024

CRL.M.A. 285/2024 (exemption)

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

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3. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioners seeking quashing of FIR bearing no. 232/2021 registered at Police Station Timarpur, North Delhi for offences punishable under Sections 498A/406/34 of the Indian Penal Code and all consequential proceedings emanating therefrom.



4. Issue notice. Mr. Anand V. Khatri, learned ASC accepts notice on behalf of the State.
5. Petitioners are present before this Court and have been identified by their counsel Mr. M.K. Vashishth and Investigating Officer (IO) from Police Station Timarpur, North Delhi.
6. Brief facts of the present case are that the marriage between the petitioner no. 1 and respondent no. 2 was solemnized on 23.02.2015 as per Hindu rites and ceremonies at Delhi. It is stated that no child was born out of the said wedlock. It is stated that due to temperamental differences and marital discord, both the parties started living separately since 13.05.2019. On the complaint of respondent no.2, the present FIR bearing no. 232/2021 was registered at Police Station Timarpur, North Delhi, Paschim Vihar East dated 13.7.2021 for offences punishable under Sections 498A/406/34 of IPC against the petitioners. After completion of investigation, the chargesheet was filed before the concerned Court. It is further stated that respondent no. 2 had also filed a complaint case on 20.02.2021 under Domestic Violence Act against petitioner no. 1 and his family members. During pendency of the cases between the parties, with the intervention of relatives and friends from both the sides, settlement was arrived at between the parties *vide* Memorandum of Understanding/Settlement dated 02.03.2023. It is stated that both the parties have obtained decree of divorce by mutual consent dated 08.08.2023 from the concerned Court.
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 *vide* Memorandum of Understanding/Settlement dated 02.03.2023 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. 45,00,000/- in four installments in the following manner:

- a. First installment of Rs. 5,00,000/- paid to respondent no. 2 at the time of recording of statement in the first motion petition under Section 13B(1) of Hindu Marriage Act.
- b. Second installment of Rs. 10,00,000/- paid to respondent no. 2 at the time of withdrawal of Ct. Case 773/2021 and MT-94/2021 by respondent no. 2.
- c. Third instalment of Rs.15,00,000/- paid to respondent no. 2 at the time of recording of statement in the second motion petition under Section 13B(2) of Hindu Marriage Act.
- d. Fourth/Final instalment of Rs. 15,00,000/- 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. 15,00,000/- today, i.e., 04.01.2024 *vide* DD No. 025696 dated 06.12.2023 drawn on HDFC 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. 232/2021 registered at Police Station Timarpur, North Delhi for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. In view of above, 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