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

+ **CRL.M.C. 199/2024**

SH RAHUL SAINI AND ORS Petitioner

Through: Mr. Karan Gupta, Advocate.

versus

STATE AND ANR Respondents

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

09.01.2024

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CRL.M.A. 791/2024 (exemption)

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

CRL.M.C. 199/2024

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed by the petitioners seeking quashing of FIR bearing No. 286/2019 registered at Police Station Kanjhawala, Delhi for offences punishable under Sections 498-A/406/506/509/34 of the Indian Penal Code, 1860 ('IPC').
2. Brief facts of the case are that on 04.07.2015, the marriage between petitioner no. 1 and respondent no. 2 was solemnized according to Hindu rites and ceremonies at Delhi. Out of the wedlock, one girl child was born on 17.08.2016. The petitioner no. 1 and respondent no. 2 lived together as husband and wife up to 14.04.2019, thereafter due to temperamental



differences they started living separately. On 26.07.2019, respondent no. 2 lodged the present FIR at Police Station Kanjhawala. On 05.09.2022, a compromise was reached between the parties resolving all matrimonial disputes and differences *vide* a Memorandum of Understanding (MOU) dated 05.09.2022 and had amicably decided to quash the FIR.

3. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.

4. Petitioners are present before this Court and have been identified by their counsel and Investigating Officer (IO).

5. On a query made by this Court, respondent no.2, who is the complainant herein has stated before the Court that she voluntarily given up the custody of the minor child to the petitioner, who is the biological father of the petitioner, and further states that she has not claimed visitation rights of the minor child, neither she wants the visitation rights. 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.

6. Learned counsel for the petitioners submitted that the Settlement Deed dated 05.09.2022, signed by all the parties and affidavits showing the protection of interest of minor child as per the judgment titled as Ganesh vs. Sudhirkumar Shrivastava, (2020) 20 SCC 787 passed by the Hon'ble Supreme Court have been filed and the same are on record.

7. Today, the complainant who is present in Court states that she has received all amounts due to her and has no objection if the FIR is quashed.

8. In view of the above facts that the parties have amicably resolved



their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, this Court is of the opinion that no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

9. Accordingly, FIR bearing No. 286/2019 registered at Police Station Kanjhawala, Delhi for offences punishable under Sections 98-A/406/506/509/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

10. The petition stands disposed of.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 9, 2024/at

Click here to check corrigendum, if any