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

+ **CRL.M.C. 206/2024**

KULDIP AND ORS. & ORS.

..... Petitioners

Through: Mr. Rajbir Bansal, Advocate

versus

STATE NCT OF DELHI & ANR. & ORS.

..... Respondents

Through: Mr. Raj Kumar, APP for the State
with SI Gayatri PS BHD Nagar
Ms. Swati, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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09.01.2024

CRL.M.A. 823/2024 (exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 206/2024

1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.323/2021 under Sections 406/498A/34 IPC registered at PS Baba Haridas Nagar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. Issue notice. 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. He points out that the the FIR was registered against 5 persons but the present petition has been filed only by 3 persons who were in column no.11. He further clarifies that cognisance has been taken by the court only against persons who have filed the present petition.



3. Petitioner no.1 (former husband) and petitioner no.2 (father of petitioner no.1), as well as, respondent no. 2 (former wife) are present in the court and they have been identified by Investigating Officer W/SI PS Baba Haridas Nagar.

4. The brief facts of the case as per prosecution version are that the marriage between the petitioner no. 1 (former husband) and respondent no. 2 (former wife) was solemnized on 08.12.2017 according to Hindu Rites and Customs. No child was born out of the said wedlock,.

5. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 12.05.2019. The dispute between the parties also led to registration of present FIR.

6. During the pendency of the proceedings, the parties were referred to the mediation, Dwarka Court, New Delhi, where they arrived at settlement, terms whereof were reduced in writing in the form of settlement dated 24.03.2022, copy of which is annexed as Annexure-C to the present petition.

7. In terms of the said settlement, the parties decided to dissolve their marriage by way of divorce by mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 04.10.2023, which is annexed as Annexure-D to the present petition.

8. It is also a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.2,00,000/- to the respondent no.2. Out of the said amount, a sum of Rs.1,50,000/- has already been paid by the petitioner no.1 to the respondent no.2, the receipt of which respondent no.2 acknowledges. The remaining amount of Rs.50,000/- has been paid to the respondent no.2 today in the court by way of demand draft bearing no.836113 dated 09.12.2024 issued by the State Bank of India.



9. The receipt of entire amount of Rs.2 lakh is acknowledged by the respondent no.2, who is present in court. On a query put by the Court, respondent no.2 states that she has no objection in case the FIR is quashed.
10. 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.
11. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
12. Consequently, the petition is allowed and the FIR No.323/2021 under Sections 406/498A/34 IPC registered at PS Baba Haridas Nagar alongwith all other proceedings emanating therefrom, is quashed.
13. The petition stands disposed of in the above terms.
14. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 9, 2024
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