



2024:DHC:7619



\$~51

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 03.10.2024

+ CRL.M.C. 7113/2024

ASHISH KUMAR

.....Petitioner

Through: Mr. M. S. Khan, Adv. (DHCLSC)
with Petitioner through VC.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP with SI
Shah Faisal, PS: New Ashok Nagar
and respondent No. 2 through VC.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 0458/2022, under Sections 498A/34 IPC, registered at PS: New Ashok Nagar and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 along with respondent No. 2 (through VC), appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, marriage between petitioner and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 25.02.2007. No child was born out of the wedlock. Due to matrimonial differences, petitioner and respondent No.2 started living separately. On complaint of respondent No.2, present FIR was registered on 25.06.2022.
4. The disputes are stated to have been amicably settled between the parties in terms of the Settlement Deed dated 02.11.2022 arrived at



Counselling Cell, Family Court, East District, Karkardooma Courts, Delhi and petitioner and respondent No. 2 are stated to be residing together since 05.11.2022.

5. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

6. Petitioner and respondent No. 2 (through VC) have been identified by SI Shah Faisal, PS: New Ashok Nagar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

7. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No. 0458/2022, under Sections 498A/34 IPC, registered at PS: New Ashok Nagar and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 03, 2024/R