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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7156/2024, CRL.M.A. 27314/2024**
BHASKAR SATI & ORS.

.....Petitioners
Through: Mr. Kailash Prashad Pandey,
Advocate.

versus
STATE OF NCT OF DELHI & ANR.

.....Respondents
Through: Mr. Satinder Singh Bawa, Ld. APP
for State.
Mr. Balendra Pal Tiwari and Mr.
Mukesh Kulshrestha, Advocates with
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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10.09.2024

CRL.M.A. 27313/2024 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

CRL.M.C. 7156/2024

3. A Petition under Section 528 BNSS has been filed on behalf of the petitioners for quashing of FIR No.399/2020 dated 19.05.2020 under Sections 498A/406/34 IPC registered at Police Station Mehrauli.
4. Brief facts of the case are that the marriage was solemnized on 22.04.2014 between petitioner No. 1 and respondent No. 2 according to Hindu rites and ceremonies. It is stated that no child was born out of the said wedlock. Since 20.12.2018, the parties started residing separately.



5. It is further submitted that on 05.03.2019, the respondent No.2 lodged a complaint in CAW Cell, on which an FIR 399/2020 under Sections 498A/406/34 of the Indian Penal Code, 1860 got registered at Police Station Mehrauli against the petitioners.

6. It is stated that the petitioner No.1 and respondent No.2 settled all their disputes amicable and signed a Memorandum of Understanding dated 03.08.2023, and it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated that petitioner No. 1/husband shall pay a sum of Rs.12,00,000/- to the respondent No. 2/wife towards full and final amount of all the claims of the respondent No. 2/wife. It is also stated that the petitioner No. 1 has already paid Rs.8,00,000/- to respondent No. 2/wife in two instalments viz., Rs.4,00,000/- was paid at the time of recording of statements in First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and another Rs.4,00,000/- was paid at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955.

7. It is further stated that the remaining third instalment of Rs.4,00,000/- shall be paid by the petitioner No. 1/husband at the time of quashing of FIR No. 399/2020.

8. It is also stated that on 12.01.2024, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

9. In view of the MOU dated 03.08.2023, the present petition has been filed.

10. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned. The



parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

11. The third instalment of Rs.4,00,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1 today in the Court. Out of the balance amount of Rs.4,00,000/-, Rs.3,50,000/- has been paid today *via* online payment mode in the Canara Bank Account of Respondent No.2 vide Transaction ID IDFBH24254443613 and the remaining Rs.50,000/- has been paid as cash to the respondent No. 2/wife.

12. The parties have submitted that all the disputes have been amicably settled *vide* MOU dated 03.08.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

13. The present petition has been signed by all the parties and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* MOU dated 03.08.2023 and they also submit that the said Compromise has been arrived at between the parties without any pressure and coercion.

14. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

15. 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, I am of the opinion that no useful purpose will be served in continuing with 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.



16. Moreover, there is no legal impediment in quashing the FIR in question.

17. Accordingly, FIR bearing No. 399/2020 registered at Police Station Mehrauli, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

18. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 10, 2024/va