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

+ **CRL.M.C. 1326/2024**

NITIN SHARMA & ORS.

..... Petitioners

Through: Mr. Nitin Singh, Advocate along with
petitioners in person.

versus

**STATE THROUGH SHO PS
MANDAWLI FAZALPUR & ANR.**

..... Respondents

Through: Mr. Satish Kumar, APP for State with
PSI Brijesh Kumar, P.S. Mandawli,
Delhi.
Ms. Heena, Mr. Prince Sharma,
Advocates for R-2.

**CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

**ORDER
09.04.2024**

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CRL.M.A. 5217/2024 (exemption)

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

CRL.M.C. 1326/2024

3. The present petition under Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C.) has been filed on behalf of the petitioner seeking quashing of FIR bearing No.0357/2022 dated 05.09.2022, registered at Police Station Mandawali Fazalpur, East Delhi for the offences punishable under Sections 498A/406/34 of Indian Penal Code, 1860 (IPC) and



subsequent proceedings emanating therefrom.

4. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of State.

5. Briefly stated the facts of the case are that marriage of petitioner no.1 and respondent no.2 was solemnized on 10.05.2014 according to Hindu rites and ceremonies at Vasundhara, Ghaziabad, U.P. and after consummation of the said marriage a female child was born out of the said wedlock on 06.09.2015. Due to temperamental differences, psychological incompatibility between petitioner no.1 and respondent no.2 developed irreconcilable differences, which ensued into various litigation between the petitioners and respondent no.2 and the present FIR came to be registered.

6. All the petitioners are present before this Court and have been identified by their counsel Mr. Nitin Singh and Investigating Officer (IO) PSI Brijesh Kumar Police Station Mandawali Fazalpur, Delhi.

7. On the 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 Settlement recorded in Case No.MT48/2022 dated 05.09.2022 recorded before Counselling Cell Family Court Settlement, Family Court, District Karkardooma, Delhi.

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.15,00,000/- in three



installments in the following manner:

- a). First instalment of Rs.5,00,000/- paid at the time of recording of statement in the first motion petition.
- b). Second installment of Rs.5,00,000/- at the time of quashing of the FIR, which stands paid today in court through online vide IMPS/410013947743.
- c). Third installment of Rs.5,00,000/- at the time of recording of statement in the second motion.

10. 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.

11. Accordingly, FIR bearing No.0357/2022 dated 05.09.2022, registered at Police Station Mandawali Fazalpur, East Delhi for the offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

12. The petition stands disposed of.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 9, 2024/hs

Click here to check corrigendum, if any