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

+ **CRL.M.C. 7398/2024**

SH. JATIN

.....Petitioner

Through: Mr. Jameel Ahemad, Advocate
alongwith petitioner in person.

versus

STATE NCT DELHI AND ANR

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Mahesh, P.S. Palam
Village.

Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

19.09.2024

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CRL.M.A. 28260/2024 (Exemption)

1. Exemption is allowed subject to all just exceptions.
2. Application stands disposed of.

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3. This is a petition under section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No.456/2023 dated 28.07.2023 registered under sections 498A/34 IPC, 1860 at P.S. Palam Village, Delhi, and the consequential proceedings emanating therefrom, on the grounds of settlement between the parties.

4. Learned counsel appearing for the petitioner states that by the intervention of the counselling cell in the Family Courts at Dwarka, reconciliation proceedings were initiated. By the report dated 04.01.2024, the successful reconciliation terms have been reduced into writing. The said



reconciliation report dated 04.01.2024 is annexed as Annexure P3 at page 25 of the present petition. The same is taken on record.

5. According to the terms of settlement, the parties after having amicably resolved their disputes have started cohabiting in their native area *i.e.* Gol Mela, Udampur, District Sambha, Union Territory of Jammu, *w.e.f.* 13.01.2024. It is given to understand that there is a minor daughter, *namely*, Ehimaya, who is about two years old. The petitioner has undertaken to bear all the household expenditure as well as the expenses of the wife and the daughter. Additionally, he has also assured to pay a pocket money of Rs.4,000/- to the wife every month regularly. As per the terms of settlement, the petitioner has agreed to withdraw the case filed under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955 pending before the learned Judge, Family Courts at Dwarka. Simultaneously, the respondent-wife also assured to withdraw her maintenance case in the same Court and also the petition filed under the Protection of Women from Domestic Violence Act, 2005 pending in the Court of learned M.M., District Court at Dwarka apart from withdrawing the complaint pending before the Crime Against Women Cell, Delhi Cantt., after six months of residing together. Both the parties have also further assured and reduced into writing in the said reconciliation report that they will fulfil all their marital obligations and not indulge in domestic violence. Both parties have also undertaken to ensure that the relatives and parents of either of the parties shall not interfere in their marital relation.

6. This Court has interacted with both the parties and finds that the parties are at ease with each other and appears that they do not have any acrimony or any resentment towards each other. It is also noticed that they are both happy and it is expected that they shall continue to be so in future too.



7. The Investigating Officer, SI Mahesh, P.S. Palam Village, is present in person and has identified the parties.
8. This Court has perused the terms of the settlement and it appears that the same are lawful.
9. In view of the above settlement and post interaction with the parties, this Court is of the considered opinion that continuation of the aforesaid FIR and subsequent proceedings would be an impediment to the happy married life that both the parties seek to live in future.
10. In that view of the matter, this Court deems it appropriate to direct quashing of the FIR as well as the criminal proceedings emanating therefrom.
11. In view of the above, FIR No.456/2023 dated 28.07.2023 registered under sections 498A/34 IPC, 1860 at P.S. Palam Village, Delhi, and all consequential proceedings emanating therefrom are hereby quashed.
12. Petition stands disposed of.

TUSHAR RAO GEDELA, J

SEPTEMBER 19, 2024
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