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

+ **CRL.M.C. 7404/2024**

VIVEK KAUSHIK

.....Petitioner

Through: Mr. Syed Bashar Afzal & Mr. Nirnay
Pratap Singh, Advocates with
petitioner in person.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP with
Ms. Sunpreet Singh, Advocate for
State.

Respondent No. 2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **19.09.2024**

CRL.M.A. 28275/2024 (Exemption)

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

CRL.M.C. 7404/2024

3. The present Petition under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioner seeking to quash the FIR No. 0181/2017 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Palam Village, Delhi.

4. Brief facts of the case are that the marriage was solemnized between petitioner and respondent No. 2 on 22.02.2014 according to Hindu rites and



ceremonies and one child was born from the said wedlock.

5. It is submitted that due to incompatible behaviour, conduct and temperament of the petitioner and the respondent No. 2, they have been living separately from 06.05.2016.

6. The petitioner had filed the Divorce Petition bearing HMA No. 1119/2017 under Section 13(1)(ia) of the Hindu Marriage Act, 1955 before the Family Court, Dwarka Courts, New Delhi.

7. It is submitted that subsequent to filing of the aforesaid Divorce Petition, the respondent No. 2 filed a complaint before the CAW Cell against the petitioner, and the said complaint had been converted into present FIR bearing No. 0181/2017, wherein after completion of investigation, the Chargesheet has been filed before the learned Trial Court. The learned Trial Court *vide* Order dated 25.10.2019 discharged the parents of the petitioner of all the Charges and the Charges under Sections 498A/406 of IPC, 1860 have been framed against the petitioner only.

8. It is also submitted that the Trial Court *vide* Judgment dated 27.01.2020 passed in HMA No. 1119/2017 dissolve the marriage between the petitioner and the respondent No. 2 on the ground of cruelty. However, the Judgment dated 27.01.2020 has been challenged before this Court by the respondent No. 2 by filing Appeal bearing No. MAT.APP.(F.C.) 84/22020.

9. During the pendency of the MAT.APP.(F.C.) 84/22020, the parties were referred to Delhi High Court Mediation and Conciliation Centre, wherein the petitioner and the respondent No. 2 have settled all the disputes and differences between them *vide* Settlement Agreement dated 16.05.2023, where the matter has been settled *inter se* the parties for a total amount of Rs. 45,00,000/-, which has already been paid by the petitioner to the



respondent No. 2, and the said amount has been given in the name of the minor child who is aged about 9 years.

10. It has been further agreed between the parties that the custody of the minor child shall remain with the respondent-mother.

11. Pursuant to the Settlement Agreement dated 16.05.2023, this Court passed a consent Order dated 16.05.2023 recording the terms of the Settlement and the parties jointly prayed for setting aside the Judgment dated 27.01.2020 passed in HMA No. 1119/2017 and the same had been allowed.

12. Thereafter, the parties jointly moved the Divorce Petition seeking divorce by mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 and the same had been allowed *vide* Judgment and Decree dated 12.01.2024.

13. In view of the Settlement Agreement dated 16.05.2023, the present petition has been filed.

14. The petitioner and the respondent No. 2/wife are present in person in the Court today, and they have been identified by their counsel and Investigating Officer concerned.

15. It is further submitted that all the settlement amount of Rs. 45,00,000/- has been paid to the respondent No. 2 by the petitioner which has been given in the name of the minor child, who is in the custody of the respondent-mother.

16. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 16.05.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

17. The present petition has been signed by the petitioner and is supported



by the affidavits of the petitioner and the respondent No. 2. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

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

19. 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, 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.

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

21. Accordingly, without prejudice to the rights and contentions of the petitioner to seek custody of the child in future, the FIR bearing No. 0181/2017 registered at Police Station Palam Village, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 along with Chargesheet and all consequential proceedings emanating therefrom are quashed.

22. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 19, 2024

S.Sharma