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

+ **CRL.M.C. 7431/2024 & CRL.M.A. 28399/2024**

PANKAJ GUPTA AND ANR

.....Petitioners

Through: Mr. Nitesh Mehra, Mr. Sanjeev K.Vashisht, Ms. Mitaakshi Mehra, Mr. Angel Bhardwaj and Ms. Hazel Bhardwaj, Advocates.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for State with SI Vijay Pal Singh, P.S.CWC, Nanakpura.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

20.09.2024

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1. The present Petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS, 2023"*) read with Article 227 of the Constitution of India has been filed on behalf of the petitioners seeking to quash the FIR No. 47/2011 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station CAW Cell, Nanakpura.
2. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 16.06.1995 according to Hindu rites and ceremonies and two children were born from the said wedlock.
3. It is also submitted that the petitioners and the respondent No. 2



have settled all the disputes and differences between them *vide* Settlement Agreement dated 01.06.2024 before the Mediation Centre, Dwarka Courts, New Delhi.

4. As per the terms of Settlement, the petitioner shall pay a total sum of Rs. 11,28,000/- to the respondent No. 2/wife towards full and final settlement of all her claims, present, past and future. Balance amount of Rs.1,60,000/- has been paid by the petitioner to respondent No.2 today in the Court which is accepted by her.

5. It is also stated that the marriage between the petitioner No. 1 and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated 10.08.2018.

6. In view of the Settlement Agreement dated 01.06.2024, the present petition has been filed.

7. The petitioner Nos. 1 & 2 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.

8. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 01.06.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

9. The present petition has been signed by the petitioners and is supported by their affidavits. 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.

10. Today, the complainant/respondent No. 2/wife, who is present in person in the Court, states that she has received all amounts due to



her and has no objection if the FIR is quashed.

11. 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.

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

13. Accordingly, FIR No. 47/2011 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station CAW Cell, Nanakpura and all consequential proceedings emanating therefrom are quashed.

14. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 20, 2024

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