



2024:DHC:7326



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 23.09.2024

+ CRL.M.C. 7482/2024

SANTOSH AGGARWAL AND ORS.

.....Petitioners

Through: Mr. Ajay Tyagi, Advocate with
petitioners-in-person.

versus

THE STATE AND ANR.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with ASI Jagdish Dhaka and ASI
Vikram Singh, PS: Karawal Nagar.
Mr. Anuj Sharma, Advocate for R-2
with R-2-in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 28561/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7482/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 0156/2021, under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at PS: Karawal Nagar and proceedings emanating therefrom. Chargesheet has been filed under Sections 498A/406/34 IPC and Sections 3/4 of Dowry Prohibition Act, 1961.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance



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notice and accept notice.

3. In brief, as per the case of the petitioners, marriage between petitioner No. 2 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 12.11.2014 (Learned counsel for petitioners clarifies that reference to Muslim rites and ceremonies is due to an inadvertent typographical error). A male child was born out of the wedlock. Due to matrimonial differences, petitioner No. 2 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 13.04.2021.

4. The disputes are stated to have been amicably settled between the parties in terms of MoU dated 18.07.2024, whereby petitioner No. 2 and respondent No. 2 are stated to be residing together since two years.

5. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

6. Petitioners and respondent No. 2 are present in person and have been identified by ASI Jagdish Dhaka, PS: Karawal Nagar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

7. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No. 0156/2021, under Sections



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498A/406/34 IPC and Sections 3/4 of Dowry Prohibition Act, 1961, registered at PS: Karawal Nagar and proceedings emanating therefrom are quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 23, 2024/R