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

+ **W.P.(CRL) 2958/2024**

SANAM HARJAI

.....Petitioner

Through: Mr. Vinay Kumar Sharma, Mr. Prince, Mr. Aaditya, Mr. Amit Kumar Ms. Ritu Kumari and Mr. Rishabh Goyal, Advocates.

versus

STATE NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Yasir Rauf Ansari, Ld. ASC for State with SI Jaiveer and W/SI Sanju Kumari, P.S. Palam Village.
Mr. Sumit Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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24.09.2024

CRL.M.A. 28880/2024 (Seeking Exemption)

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

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3. The present Petition under Article 226 of the Constitution of India read with Section 528 of BNSS has been filed on behalf of the petitioner seeking to quash the FIR No. 0229/2019 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 at Police Station Palam Village.



4. Issue notice.
5. Mr. Yasir Rauf Ansari, learned Additional Standing Counsel appearing on advance notice, accepts notice on behalf of the State.
6. Brief facts of the case are that the marriage was solemnized between petitioner and respondent No. 2 on 09.12.2017 according to Hindu rites and ceremonies. Due to temperamental differences the petitioner and respondent No.2 could not live and adjust with each other and since 25.03.2018, the parties started residing separately.
7. It is further submitted that on the complaint of respondent No. 2, an FIR bearing No. 0229/2018 under Sections 498A/406/34 of the Indian Penal Code, 1860 got registered at Police Station Palam Village.
8. It is stated that the respondent filed a Complaint bearing CT No. 125/2019, wherein on 02.12.2023 both the parties amicably settled all the disputes and differences vide joint statement made before the Mahila Court, Dwarka Courts, New Delhi, and it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner /husband shall dissolve their marriage by decree of mutual consent. It is stated that petitioner /husband shall pay a sum of Rs. 10,00,000/- to the respondent No. 2/wife towards full and final amount of all the claims of the respondent No. 2/wife. It is also stated that the petitioner has already paid Rs. 7,00,000 to respondent No. 2/wife in two instalments viz., Rs. 3,50,000/- was paid at the time of recording of statements in First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and another Rs. 3,50,000/- was paid at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955.
9. It is further stated that the remaining third instalment of Rs. 3,00,000/-



shall be paid by the petitioner/husband at the time of quashing of FIR No. 0229/2019.

10. It is also stated that on 30.05.2024, the marriage between petitioner and respondent No. 2 had been dissolved as per Hindu law.

11. In view of the Joint Statement made by the parties on 02.12.2023, the present petition has been filed.

12. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

13. The third instalment of Rs. 3,00,000/- has been paid to the respondent No. 2/wife by the petitioner today in the Court *via* Banker's Cheque No.041385 dated 17.08.2024 drawn on Union Bank of India, Service Branch, New Delhi in the name of Ms. Shivani Parmar.

14. The parties have submitted that all the disputes have been amicably settled *vide* Joint Statement dated 02.12.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

15. The present petition has been signed by all the parties and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Joint Statement dated 02.12.2023 and they also submit that the said Statement has been arrived at between the parties without any pressure and coercion.

16. The respondent No. 2/wife submits that she has been livingly separately from the petitioner /husband for the last six years.

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



objection if the FIR is quashed.

18. 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, I am of the opinion that 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.

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

20. Accordingly, FIR bearing No. 0229/2019 registered at Police Station Palam Village, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

21. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 24, 2024

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