



2024:DHC:7372



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 24.09.2024

+ W.P.(CRL) 2959/2024

GAJRAJ & ORS.

.....Petitioners

Through: Mr. Siddharth Pandit and Mr. Vipin Kumar, Advs. along with petitioner no. 1 in person and P-2 to 8 (through VC).

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Anand V Khatri, ASC for the State with SI Dharamveer, PS Chhawala.

Ms. Shifali Jain and Mr. Yatinder Nath, Advs. for R-2 alongwith 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. 28881/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2959/2024

1. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioners for quashing of FIR No.507/2023, under Sections 498A/406 IPC registered at P.S.: Chhawala and proceedings emanating therefrom.



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2. Issue notice. Learned ASC for the State and learned counsel for respondent No.2 along with respondent No. 2 in person appear on advance notice and accept notice.
3. In brief, as per the case of the petitioners, marriage between petitioner No.1 and respondent No. 2 was solemnized according to Hindu Rites and ceremonies on 28.11.2005. Two children were born out of the wedlock. Due to matrimonial differences, petitioner No.1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 13.11.2023.
4. The disputes have been amicably settled between the parties in terms of Settlement dated 05.01.2024 arrived before Counselling Cell, Family Court. The marriage between petitioner No. 1 and respondent No. 2 is stated to have been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 17.09.2024 though the copy of judgment has not been filed on record.
5. An amount of Rs. 15,00,000/- through Fixed Deposit (A/c No. 308100DP0003435 dated 12.09.2024, Punjab National Bank), made in favour of son of respondent No. 2. has been handed over to respondent No. 2 today.
6. Learned ASC for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.
7. Petitioner no. 1 in person, petitioner nos. 2 to 8 (through VC) and respondent No. 2 in person have been identified by SI Dharamveer, P.S.: Chhawla. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or



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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.

8. 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.507/2023, under Sections 498A/406 IPC registered at P.S.: Chhawala 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 24, 2024

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