



2024 :DHC :7498



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 27.09.2024

+ W.P.(CRL) 3007/2024, CRL.M.A. 29249/2024

SAWAN KHOKHAR & ORS.

.....Petitioners

Through: Mr. DK Singh, Mr. Rahul Tyagi, Ms. Nandini Singh, Mr. Sidharth, Mr. Varun Thakur, Ms. Chitra Rekha Singh, Mr. Hashim Khan, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with Mr. Abhijeet Kumar & Mr. Shakti, Advocates.
ASI Parmod Kumar, PS: Dayalpur.
Ms. Madhu Choudhary & Mr. Kailash Kumar, Advocates 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. 29249/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 3007/2024

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.0297/2021, under Sections 498A/406/34 IPC, registered at P.S.: Dayalpur and



proceedings emanating therefrom.

2. Issue notice. Learned ASC for the State and learned counsel for respondent No. 2 alongwith 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 09.02.2018. No child was 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 23.07.2021.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 19.02.2024 arrived at Delhi Mediation Centre, Karkardooma Courts, Delhi. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 31.05.2024.

5. An amount of Rs. 3,00,000/- has been paid to respondent No. 2 today through DD No. 989454 dated 04.09.2024 drawn on State Bank of India, Rajnagar, Ghaziabad in favour of respondent No. 2.

6. Learned ASC 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.

7. Petitioners and respondent No. 2 are present in person and have been identified by ASI Parmod Kumar, PS: Dayalpur. 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



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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.0297/2021, under Sections 498A/406/34 IPC, registered at P.S.: Dayalpur and proceedings emanating therefrom stand 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 27, 2024/g