



2024 :DHC :7496



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 27.09.2024

+ CRL.M.C. 7694/2024 & CRL.M.A. 29356/2024

NIGAM PRAKASH & ORS.

.....Petitioners

Through: Mr.Anurag Dhiroon, Advocate.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for the
State with Investigating Officer/ASI
Sunita & SI Partap Singh, PS: Mohan
Garden.Mr. Manoj Kumar Bharti, 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. 29356/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7694/2024

1. Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of petitioners for quashing of FIR No.0380/2023, under Sections 498A/406/34 IPC, registered at P.S.: Mohan Garden and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for



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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 28.11.2022. 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 18.09.2023.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 16.05.2024. Petition for First Motion for dissolution of marriage by way of mutual consent under Section 13B(1) of Hindu Marriage Act has been allowed vide Order dated 07.06.2024.

5. Learned APP 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.

6. Petitioners and respondent No. 2 are present in person and have been identified by ASI Sunita, PS: Mohan Garden. 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



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between the parties. Consequently, FIR No.0380/2023, under Sections 498A/406/34 IPC, registered at P.S.: Mohan Garden and proceedings emanating therefrom stand quashed, subject to compliance of the terms and conditions of Settlement Deed dated 16.05.2024 by the respective parties.

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/gs