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

+ **CRL.M.C. 1786/2024**

DEEPAK AND ORS.

..... Petitioners

Through: Mohd. Rashid and Mr Shabahat
Hussain, Advocates along with
petitioners in person.

versus

**THE STATE GOVT OF NCT OF DELHI
& ANR.**

..... Respondents

Through: Mr Raj Kumar, APP for the State
with SI Sharmila, PS Pachim Vihar
(West).
Mr Safal Budhiraja, Advocate for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

26.04.2024

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CRL.M.A. 6826/2024

1. The present application has been filed seeking condonation of delay of 45 days in filing the present petition.
2. For the reasons mentioned in the application, the delay of 45 days in filing the present petition is allowed.
3. The application stands disposed of.

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4. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0038/2016 under Sections 354/354B/406/498A/506/34 IPC registered at Police Station Mianwali Nagar, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.



5. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
6. The petitioner no.1 (former husband) and petitioner nos.2 and 3, who are close relatives of the petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Sharmila, PS Paschim Vihar (West).
7. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 02.05.2014 according to Hindu Rites and Customs. No child was born out of the said wedlock.
8. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 10.01.2016. The dispute between the parties also led to the registration of present FIR.
9. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Tis Hazari Courts, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 07.01.2023, a copy of which is annexed as Annexure-D to the present petition.
10. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 01.04.2023, a copy which is annexed has been handed over by the learned counsel for the petitioners and the same are taken on record.
11. It is a term of the settlement between the parties that the petitioner



no.1 shall pay a total sum of Rs.3 lakhs to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs. 2 lakhs has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs. 1 lakh has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.001302 dated 23.02.2024 issued by Jana Small Finance Bank.

12. The receipt of entire amount of Rs. 3 lakhs is acknowledged by the respondent no.2, who is present in court.

13. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

14. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

15. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

16. Consequently, the petition is allowed and the FIR No.0038/2016 under Sections 354/354B/406/498A/506/34 IPC registered at Police Station Mianwali Nagar, Delhi alongwith all other proceedings emanating therefrom, is quashed.

17. The petition stands disposed of in the above terms.

18. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

APRIL 26, 2024/MK