



2024:DHC:8145



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.10.2024

+ CRL.M.C. 7740/2024

ASHISH KUMAR TRIPATHI AND ORS.Petitioners

Through: Mr. Vipin Kumar Tyagi and Mr.
Deepak Kumar, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for the
State with SI Arvind, PS GTB
Enclave and ASI Ranjeet, PS Geeta
Colony.Mr. Abhishek Rana, Adv. 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)**

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 041/2022 under Sections 498A/406/34 IPC registered at P.S.: GTB Enclave and proceedings emanating therefrom.
2. Issue notice. Learned APP 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

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No. 1 and respondent No. 2 was solemnized according to Hindu Rites and ceremonies on 21.06.2019. 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 14.01.2022.

4. Learned counsel for petitioner submits that though chargesheet has been filed against petitioner No. 1 to 5 but petitioner No. 6 to 11 have been impleaded since they were named in the FIR. The disputes are stated to have been amicably settled between the parties in terms of Settlement Agreement dated 03.05.2024 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 23.07.2024.

5. An amount of Rs. 10,00,000/- has been paid to respondent No. 2 today through DD No. 783769 dated 17.09.2024 drawn on Union Bank of India, in favour of respondent No. 2.

6. Learned APP 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. Petitioner No. 1 to 5 and Respondent No. 2 (in person) have been identified by SI Arvind, P.S.: GTB Enclave. 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 she has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been



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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. 041/2022 under Sections 498A/406/34 IPC registered at P.S.: GTB Enclave 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 21, 2024

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