



2024:DHC:7912



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 14.10.2024

+ CRL.M.C. 8064/2024

ROHIT SONI & ORS.

.....Petitioners

Through: Mr.B.R.Kaushik and Mr.Pawan
Kaushik, Advocates

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Satinder Singh Bawa, APP for
State with SI Jitender Kumar, P.S.
Uttam Nagar.
Mr.C.K.Mishra, Advocate with
respondent No.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 petitioners for quashing of FIR No.0728/2019, under Sections 498A/406 IPC registered at P.S.: Uttam Nagar and proceedings emanating therefrom. Chargesheet has been filed under Sections 498A/406/34 IPC.
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 07.02.2013. A male child was born out of the wedlock who is presently in custody of respondent No.2. 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 30.12.2019.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 22.02.2024 arrived at Mediation Centre, Dwarka Courts, New 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 27.05.2024.

5. An amount of Rs.3,75,000/- has been handed over to respondent No. 2 today through Term Deposit Advice (TDA) (A/c No.43385359675 dated 27.09.2024 drawn on State Bank of India, Sri Ganganagar), made in favour of son of respondent No. 2.

6. 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.

7. Petitioner No.1 and 3 and respondent No. 2 present in person, have been identified by SI Jitender Kumar PS: Uttam Nagar. 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.

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.0728/2019, under Sections 498A/406/34 IPC registered at P.S.: Uttam Nagar 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

OCTOBER 14, 2024/v