



2024:DHC:8060



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 18.10.2024

+ CRL.M.C. 8182/2024, CRL.M.A. 31281/2024

RAKESH AND ORS

.....Petitioners

Through: Mr. M. S. Sisodia &amp; Mr. Sachin Shukla, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.....Respondents

Through: Mr. Satinder Singh Bawa, APP with WASI Sunita, PS CWC Nanak Pura.

Mr. Pankaj Yadav &amp; Mr. Anoop Kumar, Advocates for R-2 with Mr.Pankaj Yadav, Advocate for R-2 with Respondent No. 2 (through VC)

**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 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 0102/2017, under Sections 498A/406/34 IPC, registered at PS: Crime (Women) Cell, Nanak Pura and proceedings emanating therefrom.

Since Rakesh (petitioner No.1/husband of respondent no. 2) and Shish Ram (petitioner No. 2) are stated to have expired on 01.10.2023 and 22.03.2023 respectively as per death certificates placed on record, proceedings against them stand abated.



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2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 (through VC) along with respondent No. 2, appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, marriage between petitioner No. 1 (since deceased) and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 30.11.2012. A male child was born out of the wedlock and 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 04.08.2017.
4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 03.03.2023 arrived at Delhi Mediation Centre, Patiala House Court, New Delhi. The first motion for dissolution of marriage between petitioner No.1 and respondent No.2 was allowed on 09.05.2023. However, after death of petitioner No.1, further Settlement Deed dated 13.08.2024 was executed between petitioner No.3 to 6 (who are close relatives of petitioner No.1) and respondent No.2.
5. Balance amount of Rs. 8,00,000/- (Rupees Eight Lakhs only) is stated to have been handed over to respondent No. 2 through DD.
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. Petitioners in person and respondent No. 2 (through VC) have been identified by W/ASI Sunita, PS: CWC Nanak Pura. 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



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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. 0102/2017, under Sections 498A/406/34 IPC, registered at PS: Crime (Women) Cell, Nanak Pura 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 18, 2024/VLD**