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

+ **W.P.(CRL) 3263/2024**

GAURAV KUMAR & ORS.

.....Petitioners

Through: Counsel for petitioner (appearance
not given) with petitioners.

versus

STATE & ANOTHER

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State.
Counsel for R2 (appearance not
given) with R2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.10.2024

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CRL.M.A.31492/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure (CrPC) (Section 528 of Bharatiya Nagarik Suraksha Sanhita) has been filed on behalf of the petitioners seeking to quash the FIR No. 0312/2020 under Sections 498A/406/34 of the Indian Penal Code, 1860 registered at Police Station Swaroop Nagar.
4. Issue notice.
5. Mr. Sanjay Lao, learned Standing Counsel appearing on advance



notice, accepts notice on behalf of the State.

6. Brief facts of the case are that the marriage was solemnized between petitioner No. 1 and respondent No. 2 on 28.04.2018, according to Hindu rites and ceremonies. It is stated that a child was born out of the said wedlock on 19.06.2019. Since 25.05.2019, the parties started residing separately.

7. It is further submitted that on the complaint of respondent No. 2, an FIR bearing No. 0312/2020 under Sections 498A/406/34 of the Indian Penal Code, 1860, got registered at Police Station Swaroop Nagar.

8. With the intervention of family, friends and relatives, both the parties have amicably settled all the disputes and differences *vide* Memorandum of Understanding dated 22.12.2023, and it was *inter alia* settled between the parties that the petitioner No. 1/husband shall pay a total sum of Rs. 8,50,000/- to the respondent No. 2/wife towards full and final amount of all the claims towards Istridhan, Dowry articles, maintenance (past, present and future), permanent alimony etc. It was also agreed that the total amount would be paid in instalments. The petitioner/husband shall pay the first instalment of Rs.3,00,000/- to the respondent No. 2, at the time of recording of statements in First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and the second instalment of Rs. 3,00,000 shall be paid by the petitioner No. 1/husband to the respondent No. 2/wife at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955 and the third instalment of Rs.2,50,000/- shall be paid by the petitioner No. 1/husband to the respondent No. 2 /wife when the respondent No. 2 shall withdraw the cases filed by her against the petitioner No. 1/husband. It was also stated that the custody of the minor



child namely Master Naksh, aged about five years, will be with the respondent No. 2/wife and the petitioners or their any relative shall have visitation rights to meet the child as per convenience of both the parties. It was also stated that both the parties shall withdraw all their respective cases.

9. It is also stated that on 05.07.2024, the marriage between petitioner No. 1 and respondent No. 2 had been dissolved as per Hindu law.

10. In view of the Memorandum of Understanding dated 22.12.2023, the present petition has been filed.

11. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

12. The first instalment of Rs.3,00,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1/husband at the time of recording of their Joint Statement under Section 13B(1) of H.M.A/First Motion of Divorce by Mutual Consent. The second instalment of Rs.3,00,000/- has been paid to the respondent No. 2/wife by the petitioner No. 1/husband at the time of recording of their Joint Statement under Section 13-B(2) H.M.A./Second Motion of Divorce by Mutual Consent before the Tis Hazari Courts, Delhi. The third instalment of Rs.2,50,000/- has been paid by the petitioner No. 1/husband to the respondent No. 2/wife.

13. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Understanding dated 22.12.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

14. The present petition has been signed by all the parties and is supported by their respective affidavits. The parties have reaffirmed the



terms of the settlement arrived at *vide* Memorandum of Understanding dated 22.12.2023 and they also submit that the said Memorandum of Understanding dated 22.12.2023 has been arrived at between the parties without any pressure and coercion.

15. Today, the respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

16. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, I am of the opinion that no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

17. The parties have one son, aged about five years, whose custody present is with the respondent No. 2/wife. The aforesaid settlement is without prejudice to the rights of the child.

Moreover, there is no legal impediment in quashing the FIR in question.

18. Accordingly, FIR bearing No. 0312/2020 under Sections 498A/406/34 of the Indian Penal Code, 1860 registered at Police Station Swaroop Nagar and all consequential proceedings emanating therefrom are quashed.

19. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 21, 2024/RS