



2024:DHC:8129



\$~96

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 21.10.2024

+ CRL.M.C. 8258/2024

KISHAN KUMAR & ORS.

.....Petitioners

Through: Mr. Praveen Kumar and Aakash
Tyagi, Advs.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Manish Phogat, PS Mehrauli.
Mr. Ajay Raj Sharma, Mr. Akhil
Rexwal, Mr. M. S. Sisodia and Mr.
Sachin Shukla, Advs.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 31550/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 8258/2024

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. 380/2022 under Sections 498A/406/34 IPC registered at P.S.: Mehrauli and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for

CRL.M.C. 8258/2024**Page 1 of 3**



2024:DHC:8129



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 No. 1 and respondent No. 2 was solemnized according to Hindu Rites and ceremonies on 14.09.2018. 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 22.06.2022.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Agreement dated 16.04.2024 arrived at Mediation Centre, Saket 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 02.09.2024.

5. An amount of Rs. 4,00,000/- has been paid to respondent No. 2 today through DD No. 025705 dated 25.09.2024 drawn on HDFC Bank, 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 3 and respondent No. 2 in person and petitioner No. 4 to 6 (through VC) have been identified by SI Manish Phogat, P.S.: Mehrauli. 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



2024:DHC:8129



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. 380/2022 under Sections 498A/406/34 IPC registered at P.S.: Mehrauli 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

p