



2024:DHC:8190



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.10.2024

+ W.P.(CRL) 3306/2024

KAMAL MAHAJAN &amp; ORS.

.....Petitioners

Through: Mr.Ramesh Chand Pandey, Advocate  
with P-1 in person and P-2 and 3  
through VC.

versus

THE STATE GOVT OF NCT DELHI &amp; ANR. ....Respondents

Through: Mr.Amol Sinha, ASC for State with  
SI Vandana, PS Saket.  
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N TANOOP KUMAR MENDIRATTA, J (ORAL)CRL.M.A. 31870/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 3306/2024

1. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 85/2022 under Sections 498A/406/34 IPC registered at P.S.: Saket and proceedings emanating therefrom.

2. Issue notice. Learned ASC for the State and respondent No.2 in person appear on advance notice and accept notice.

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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 08.03.2018. 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 24.01.2022.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement arrived before Counselling Cell, Family Court, South District, Saket Courts, New Delhi vide settlement dated 24.07.2024. 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 27.09.2024.

5. An amount of Rs.2,00,000/- has been handed over to respondent No. 2 today through DD No.690756 dated 21.10.2024 drawn on Kotak Mahindra Bank Ltd., Saket Branch New Delhi in favour of respondent No. 2.

6. Learned ASC 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 and respondent No. 2 have been identified by SI Vandana, PS: Saket. 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 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



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Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No. 85/2022 under Sections 498A/406/34 IPC registered at P.S.: Saket 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 22, 2024/VLD**