



2024:DHC:8658



\$~81

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 08.11.2024

+ CRL.M.C. 8772/2024

SHAILENDER SHARMA & ORS.

.....Petitioners

Through: Mr. Sandip Kumar, Advocate with
Petitioners in person.

versus

STATE GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Amit Ahlawat, APP for State with
SI Naresh Kumar, PS: Dabri.
Mr. S. P. Sagar, Adv. for R-2 with
respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 33563/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 8772/2024

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. 0902/2022, under Sections 498A/406/34 IPC, registered at PS: Dabri.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.



2024:DHC:8658



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 18.02.2018. 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 07.10.2022.

4. The disputes are stated to have been amicably settled between the parties in terms of MoU, as referred in the divorce proceedings. 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 03.08.2024.

5. An amount of Rs. 1,00,000/- has been paid to respondent No. 2 today through Bankers Cheque No. 424555 dated 19.09.2024 drawn on State Bank of India, Uttam Nagar, Delhi in favour 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. Petitioners and respondent No. 2 are present in person and have been identified by SI Naresh Kumar, PS: Dabri Place. 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 Court. The chances of conviction are bleak in view of amicable settlement



2024:DHC:8658



between the parties. Consequently, FIR No. 0902/2022, under Sections 498A/406/34 IPC, registered at PS: Dabri 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.

NOVEMBER 08, 2024/R