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

+ CRL.M.C. 8958/2024 and CRL.M.A. 34286/2024

SH MANISH GAUR @ MANISH GONDA & ORS.Petitioners

Through: Mr. J.N.Taneja, Advocate along with
petitioners in person.

versus

THE STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Satinder Singh Bawa, APP for
State with SI Naveen, PS Jaitpur.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **18.11.2024**

1. This petition has been filed seeking quashing of FIR No. 328/2023 under Sections 498A/406/34 IPC registered at P.S. Jaitpur, Delhi, on the basis of settlement dated 29th August, 2023, which is on record of this Court.
2. Petitioner Nos.1 - 4 and respondent No.2 are present in the Court and have been duly identified by the Investigating Officer.
3. Petitioner No.1 and respondent No.2 who are legally married, have agreed as per the settlement, to live separately and have agreed to other terms in order for the management of the minor child including the custody and visitation as well maintenance. Aside from this, there are other terms which place restrictions on the parties in order to achieve harmonious livelihood for both. Petitioner No.1 and respondent No.2 are signatories of the settlement and both stated that they will be bound by the terms contained



thereof.

4. Para 2 of the said settlement shows that they were to live separately *“apart from each other as if they were single and unmarried”*. An objection has been raised by the APP for the State in this regard and he states that they will continue to be legally married and this statement cannot be accepted, as no divorce has been granted.

5. Petitioner No.1 and respondent No.2 who are present in the Court have stated that the said statement was made inadvertently and they will continue to be legally married and this agreement is only for the purpose of managing their separation.

6. In view of the above, considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Accordingly, the petition is allowed. Consequently, the FIR No. 328/2023 under Sections 498A/406/34 IPC registered at P.S. Jaitpur, Delhi and proceedings emanating therefrom are quashed.

7. Parties shall abide by the terms of settlement.

8. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

9. It is however made clear that the said settlement will not affect the rights of the minor child in the future.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 18, 2024

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