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

+ **CRL.M.C. 9595/2024**

NISHANT & ORS.

.....Petitioners

Through: Dr. Radha Parihar and Mr. Narendra
Kumar, Advocates

versus

**THE STATE GOVT. OF NCT OF
DELHI AND ANR.**

.....Respondents

Through: Mr. Naval Kishore Jha, APP for the
State with SI Vijay Pal Singh
Mr. Naveen Kumar Rai, Advocate
along with Ms. Vasundra Mahajan,
respondent no. 2/complainant in
person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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06.12.2024

CRL.M.A. 36818/2024

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 9595/2024

3. The present petition has been filed under Section 482 Cr.PC seeking quashing of FIR No. 114/2016 under Sections 498A/406/34 IPC registered at Police Station Crime (Women) Cell, Nanak Pura and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. He submits



that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

5. The petitioner no.1 as well as respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Vijay Pal Singh, Police Station Nanak Pura.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 24.02.2011 according to Hindu Rites and Customs. Out of the said wedlock, one male child, namely, Keshav Dhussa was born.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 15.12.2015. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 07.10.2024, a copy of which has been annexed to the present petition.

9. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce by mutual consent dated 27.05.2019, a copy of which has also been filed along with the present petition.

10. The respondent no.2 who is present in Court, on a query put by the Court, affirms the factum of settlement and states that she has no objection in case the FIR is quashed. It is also recorded in the settlement that the custody of the minor child will remain with respondent no. 2. It is clarified



that nothing stated in the settlement would impact the right of the minor child, in so far as, his claim of maintenance, inheritance, etc. against his parents is concerned.

11. Considering the fact that the FIR is an outcome of the matrimonial dispute and the parties have arrived at a settlement, this Court is of the view that no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between the relations of the parties.

12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

13. Consequently, the petition is allowed and the FIR No. 114/2016 under Sections 498A/406/34 IPC registered at Police Station Crime (Women) Cell, Nanak Pura alongwith all other proceedings emanating therefrom, is quashed.

14. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

DECEMBER 6, 2024
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