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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9837/2024 & CRL.M.A. 37710/2024**
MUKESH & ORS.

.....Petitioner

Through: Mr. Ajay Kumar, Adv.

versus

STATE OF N.C.T. OF DELHI & ANR.

.....Respondent

Through: Mr. Sunil Kr. Gautam, APP
Mr. Santosh Tiwari, Adv.
ASI Vikram Singh, PS Karawal Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

16.12.2024

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1. This is a petition filed under Section 528 of BNSS, 2023 read with Section 482 CrPC seeking quashing of the FIR No. 0191/2022 registered at PS Karawal Nagar under Sections 498A/406/34 of IPC and Section 4 of Dowry Prohibition Act, 1961.
2. The parties have arrived at a settlement dated 22.01.2024, wherein a sum of Rs. 12 lakhs was to be paid by the petitioner to the respondent no.2. A sum of Rs. 8 lakhs has already been paid and the balance sum of Rs. 4 lakhs is being paid today in Court vide DD No. 706773 dated 13.12.2024 drawn on Bank of India.
3. Paragraph 1 of the settlement records as under:-
“1. That the petitioner No.1 shall give Rs.12,00,000/- (Twelve lacs) to the petitioner No.2 as full and final lump sum amount, to settle all claim regarding the Stridhan/jewellery/



all past, present and future maintenance of petitioner no.2 and her son Master Daksh for all dowry/and any other kind of legal due or charge that arises in favour of the petitioner no.2 and son Master Daksh.”

2. *That Rs.12,00,000/- (Twelve lacs) includes all kinds of present, past and future maintenance of son Master Daksh and in future petitioner No. 1 shall have no liability/responsibility to maintain or to give maintenance to of any kind to petitioner No.2 or her son Master Daksh .*
3. *That it has been agreed that the petitioner No.1 shall pay Rs. 12,00,000/- (Twelve lacs) to the petitioner No.2 as the full and final settlement amount and after receiving of which all claims regarding/jewellery/stridhan/any movable and immovable property/ any right of the maintenance in favor of the petitioner No.2 or her son has been settled/fulfilled/satisfied. After receiving this money any kind of the complaint /claim/demand made by the petitioner No.2 against the petitioner No.1 or his family members shall be null and void.”*
4. The same is contrary to the judgment of ‘**Ganesh vs. Sudhir Kumar Srivastava**’ [(2020) 20 SCC 787] and the rights of the minor child cannot be settled satisfied by either of the parents.
5. The petitioner who is present in Court states that he is not settling the rights of the minor child and the minor child is free to avail all his legal rights as available in law in terms of the judgment of “**Ganesh**” (supra). His statement is taken on record.
6. The petitioner is present in Court and has been identified by Mr. Ajay Kumar, learned counsel.
7. The respondent No.2 is also present in Court and has been identified by



Mr. Santosh Tiwari, learned counsel and ASI Vikram Singh, PS Karawal Nagar.

8. The respondent no.2 has no objection if the present FIR is quashed.
9. In view of the above and in view of the judgment of “**Ganesh**”, the settlement and this order shall not affect the rights of the minor child who is free to avail his legal rights as available in law.
10. Subject to the above, the FIR No. 0191/2022 registered at PS Karawal Nagar under Sections 498A/406/34 of IPC and consequential proceedings emanating therefrom are hereby quashed

JASMEET SINGH, J

DECEMBER 16, 2024 / (MS)