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

+ **CRL.M.C. 9855/2024**

KAUSHLESH KUMAR AND OTHERSPetitioners

Through: Mr. Umang Jain, Adv.

versus

THE STATE AND ANOTHERRespondents

Through: Mr. Digam Singh Dagar, APP for
State with SI Sachin, PS S.P.
Samaipur Badli.
Mr. Sanjay Kumar Jha, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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16.12.2024

CRL.M.A. 37768/2024 (exemption)

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

CRL.M.A. 37849/2024 (by the petitioners under Section 528 BNSS, 2023 seeking condonation of delay in re-filing the petition)

3. By way of present application, the petitioners are seeking condonation of delay of 58 days in re-filing the present petition.
4. For the reasons mentioned in the application, the same is allowed.
5. The application stands disposed of.

CRL.M.C. 9855/2024

6. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.0978/2016 under Sections 498A/406/34 IPC



registered at Police Station Samaipur Badli, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

7. Issue notice. Mr. Digam Singh Dagar, the learned APP for the State, as well as, Mr. Sanjay Kumar Jha, the learned counsel appearing on behalf of the respondent no.2 accept notice. They submit that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, they have no objection in case the FIR in question is quashed.

8. The petitioner no.1 (husband), as well as, respondent no. 2 (wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer, i.e., SI Sachin, PS Samaipur Badli.

9. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 09.06.2011 according to Hindu Rites and Customs. Out of the said wedlock, one male child was born.

10. On account of certain misunderstanding between the parties the respondent no. 2 lodged the aforesaid FIR.

11. During the pendency of the proceedings, the parties arrived at an oral settlement and to this effect, they have entered into Memorandum of Standing (MOU) dated 01.11.2021 which is annexed as Annexed-C to the present petition.

12. In terms of the said settlement, the parties amicably resolved all their disputes and started living together peacefully. The petition is also supported by an affidavit of respondent no. 2 which is attached at page no.18 to the present petition.

13. It has been agreed between the parties that they shall cooperate with each other in all possible manner and they shall fulfil all their duties and



responsibilities towards each other and their family members.

14. The respondent no.2, on a query put by the Court, affirms the fact that the parties are living together as husband and wife and states that she has no objection in case the FIR is quashed.

15. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

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

17. Consequently, the petition is allowed and the FIR No.0978/2016 under Sections 498A/406/34 IPC registered at Police Station Samaipur Badli, Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

19. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

DECEMBER 16, 2024

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