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

+ CRL.M.C. 9947/2024, CRL.M.A. 38107/2024 and
CRL.M.A. 38108/2024

HITESH BANSAL AND ORS

.....Petitioners

Through: Mr. Pushpender Kaushik and
Mr. Yamandeep, Advocates with petitioners in
person

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Shoaib Haider, APP for State with
ASI Suvidha

Ms. Sujata, Advocate for respondent No.2 with
respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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18.12.2024

1. By way of present petition, the petitioners seek quashing of FIR No.369/2023 registered under Sections 498A/406/34 IPC at P.S. Najafgarh, New Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No.1 (husband) whereas petitioner Nos.2 to 5 are the in-laws of the complainant.
3. Learned APP for the State submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim.



4. Learned counsels for the parties submit that the parties have settled their dispute on 04.05.2024 before the Counselling Cell, Family Courts, Dwarka, Delhi. It is stated that petitioner No.1 and respondent No.2 have already been granted divorce by mutual consent vide divorce decree dated 23.09.2024 passed by learned Principal Judge, Family Court, South West, Dwarka, New Delhi in HMA No.2273/2024. It is further submitted that out of the total settlement amount, the balance amount of Rs.3,00,000/- is being paid today through demand draft bearing No.868214 dated 13.11.2024 drawn on South Indian Bank to respondent No.2/complainant. In terms of the settlement, respondent No.2 is now left with no claim whatsoever against the petitioners.

Learned counsel for the petitioners further submits that the divorce decree stipulates, in terms of the Supreme Court decision in Ganesh v. Sudhirkumar Shrivastava and Ors. reported as **2019 SCC OnLine SC 1107**, to the effect that the rights of the minor child shall remain unaffected by terms of the settlement. The undertaking is accepted, taken on record and they are made bound by the same.

5. The petitioners and respondent No.2, who are present in the Court, have been identified by their respective counsels and the Investigating Officer.

6. Respondent No.2 states that she has entered into the aforesaid mediation settlement out of her own free will, volition and without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed subject to encashment of the aforesaid demand draft.



7. Learned counsels for the parties submit that no other proceedings are pending between the parties.
8. The parties shall remain bound by the statements made in Court today.
9. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed subject to encashment of the aforesaid demand draft.
10. The petition is disposed of in the above terms alongwith the pending applications.

MANOJ KUMAR OHRI, J

DECEMBER 18, 2024

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