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

+ **CRL.M.C. 10127/2024**

DEEPAK BHALLA & ORS.

.....Petitioners

Through: Mr. Karan Bajaj, Advocate with
petitioner in person

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Kavish Rana
Mr. Ashish Chaudhary, Advocate for
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **23.12.2024**

CRL.M.A. 38859/2024 (exemption)

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

CRL.M.C. 10127/2024

3. The present petition has been filed under Section 528 of the BNSS, 2023 seeking quashing of FIR No. 355/2021 under Sections 498A/406/354A/509/323/34 IPC registered at Police Station Laxmi Nagar, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

4. Issue notice. The learned APP appearing for the State accepts notice.



He submits that since the present 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 (husband) is present in Court whereas the petitioner nos. 2 and 3 who are close relatives of petitioner no. 1 have joined through video conferencing. Likewise, respondent no. 2 has also joined through video conferencing. The parties have been identified by their respective counsel as well as by the Investigating Officer SI Kavish Rana, Police Station Laxmi Nagar, Delhi.

6. The brief facts of the case are that marriage between the petitioner no.1 and respondent no. 2 was solemnized on 05.05.2009 according to Hindu rites and ceremonies. One female child, namely, Gargi Bhalla was born out of the said wedlock.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately from August, 2019. The dispute between the parties also led to the registration of aforementioned FIR.

8. During pendency of the proceedings, the parties were referred to the Counselling Cell attached to the Court of learned Principal Judge, Family Court, East-District, Karkardooma Courts, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of settlement dated 14.02.2024, a copy of which is annexed to the present petition as Annexure P-4.

9. In terms of the said settlement, the parties decided to dissolve their marriage by way of divorce by mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 12.09.2024, which is annexed as Annexure P-5 to the present petition.



10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs. 6,50,000/- to the respondent no.2, which is stated to be already paid. The receipt of entire amount of Rs. 6,50,000/- is acknowledged by the respondent no. 2, who is present in Court.

11. It is also a term of settlement that the custody of daughter, namely, Gargi Bhalla shall remain with the father and the mother will have the visitation rights.

12. The respondent no.2, who is present in court, on a query posed by the Court, states that she has no objection in case the FIR is quashed.

13. 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.

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

15. Consequently, the petition is allowed and the FIR No. 355/2021 under Sections 498A/406/354A/509/323/34 IPC registered at Police Station Laxmi Nagar, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

DECEMBER 23, 2024
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