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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 10252/2024

RAJKUMAR

.....Petitioner

Through: Mr. Deependra Singh Patel and Mr. Mohit Rajput, Advs. along with petitioner.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Digam Singh Dagar, APP for State with S.I. Sumit, P.S. Prem Nagar, Delhi.
Ms. Indira Karki, Adv. for R-2 along with R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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24.12.2024

CRL.M.A. 39314/2024 (exemption)

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

CRL.M.C. 10252/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.790/2021 under Sections 498A/406/34 IPC registered at Police Station Prem Nagar, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.



4. Issue notice. Mr. Digam Singh Dagar, the learned APP appearing on behalf of the State, as well as, Ms. Indira Karki, learned counsel appearing on behalf of the respondent no.2 accepts 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.

5. The petitioner (former husband), as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel, as well as, by the Investigating Officer, S.I. Sumit, P.S. Prem Nagar, Delhi.

6. The brief facts of the case are that the marriage between the petitioner and respondent no. 2 was solemnized on 10.11.2009 according to Hindu Rites and Customs. Out of the said wedlock, two male children, namely, Master Kushank Dev Singh and Master Eshant Dev Singh were born.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 01.07.2021. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties were referred to Counselling Cell attached to the Courts of the learned Judge, Family court, North-West, Rohini, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Report dated 01.06.2024, a copy of which is annexed as Annexure P-3 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 and respondent no.2 have obtained a decree of divorce dated 20.09.2024, which is annexed as Annexure A-4 to the present petition.



10. It is a term of the settlement between the parties that the petitioner shall pay a total sum of Rs.5,00,000/- to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. and shall further pay a sum of Rs.20,000/- per month towards maintenance of the two children. Out of the said amount of Rs.5,00,000/-, a sum of Rs.3,00,000/- has already been paid by the petitioner to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.2,00,000/- has been paid to the respondent no.2 today in the court by the petitioner by way of Demand Draft bearing No.500074 dated 10.12.2024 issued by ICICI Bank, Connaught Place, New Delhi.
11. The receipt of entire amount of Rs.5,00,000/- is acknowledged by the respondent no.2, who is present in court.
12. The respondent no.2, on a query put 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.790/2021 under Sections 498A/406/34 IPC registered at Police Station Prem Nagar, Delhi along with all other proceedings emanating therefrom, is quashed.
16. The petition stands disposed of in the above terms.



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

DECEMBER 24, 2024
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VIKAS MAHAJAN, J