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

+ CRL.M.C. 154/2025

SARANG TIWARI & ORS.

.....Petitioners

Through: Mr. Sagar Sehrawat, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR....Respondents

Through: Mr. Shoaib Haider, APP for the State
with SI Amit Kumar, PS Dwarka
South.

Counsel for R2 with R2 (appearance
not given).

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

01.05.2025

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1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioners, seeking quashing of FIR No. 0398/2024 under Section 498A/406/34 of the Indian Penal Code, 1860, registered at Police Station Dwarka South, Delhi.

2. Issue Notice.

3. On advance Notice, Mr. Shoaib Haider, learned APP has appeared and accepts Notice on behalf of the State.

4. Brief facts of the case are that the marriage was solemnized between the Petitioner No. 1/husband and the Respondent No. 2/wife on 18.01.2023, according to the Hindu rites and ceremonies and no child was born out of the said wedlock.

5. It is further submitted that on 16.11.2024, FIR No. 0398/2024 under

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Section 498A/406/34 of the IPC, got registered at Police Station Dwarka South, Delhi.

6. The Petitioner No. 1 and the Respondent No. 2 have finally separated in November, 2023, due to temperamental differences. The Statement of the parties have already been recorded before the learned Joint Registrar.

7. It is stated that the Petitioner No. 1 and the Respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement *vide* Settlement Deed dated 18.12.2024. In terms of the Settlement dated 18.12.2024, the Statement of the parties have already been recorded. In the Settlement Deed, it was *inter alia* settled between the parties that they shall dissolve their marriage by mutual consent in accordance with law, as provided under Section 13(B) of the Hindu Marriage Act, 1955. It was further stated in the Settlement that no party shall make any claims for maintenance, alimony or any financial support against each other. The Respondent No. 2 agreed that she is self-sufficient and earning person and therefore, no claims with respect to maintenance and alimony shall be made by the Respondent No. 2 against the Petitioner. The Respondent No. 2 also agreed to co-operate with the Petitioner No. 1, in withdrawal of all the legal proceedings. The parties also agreed to settle all the matters relating to their marriage either civil or criminal. It has been further agreed between the parties that they will file a joint Petition under Section 13-B of the Hindu Marriage Act, 1955, for grant of a decree of divorce on the ground of mutual consent, before the Court of learned Principal Judge, Family Courts, Dwarka, New Delhi. In the Settlement, both the parties confirmed that no articles, gifts, jewellery, other items belonging to the other party have been retained by the parties and their family

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members. It was further agreed that in the event, either party withdraws their consent or violates the terms of the Settlement Agreement, the aggrieved party shall be entitled to pursue all effective legal remedies available to them under the law.

8. In view of the Settlement Deed dated 18.12.2024, the present Petition has been filed.

9. The parties have already taken divorce by mutual consent on 04.03.2025.

10. The parties are present before this Court in-person today and have been identified by their learned Counsel and Investigating Officer concerned. The parties have endorsed the amicable Settlement and accepted the terms thereof voluntarily.

11. The parties have undertaken to remain bound by the terms of the Settlement.

12. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 18.12.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

13. The present Petition has been signed by the Petitioners and is supported by their Affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 18.12.2024 and they also submit that the said Settlement Deed dated 18.12.2024 has been arrived at between the parties, without any pressure and coercion.

14. Today, the Respondent No. 2/wife, who is present in the Court, states that she has no objection if the FIR is quashed.

15. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also

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the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

16. Moreover, there is no legal impediment in quashing the aforesaid FIR in question.

17. Accordingly, FIR No. 0398/2024 under Section 498A/406/34 of the Indian Penal Code, 1860, registered at Police Station Dwarka South, Delhi and all consequential proceedings emanating therefrom are quashed.

18. In view of the Settlement dated 18.12.2024 and the submissions made by the parties, the Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

MAY 1, 2025/RS

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