



2025:DHC:4202



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

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Date of decision: 22.05.2025

+ **CRL.M.C. 266/2025**

NITISH KUMAR & ORS.

.....Petitioners

Through: Mr. Mohd. Babar, Advocate with
petitioners in person.

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for State with
SI Arti, PS-R K Puram and SI
Kavita, PS-VK North.
Mr. H.S. Gill, Advocate with
respondent No. 2 in person.

CORAM:-

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT(ORAL)

RAVINDER DUDEJA, J.

CRL.M.A. 1359/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CRL.M.C. 266/2025

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks quashing of FIR No. 02/2022 under Sections 498A/406/377/506/35/34 IPC registered at P.S. R.K. Puram, and all



proceedings arising therefrom pursuant to the settlement between the parties.

2. The marriage between Petitioner No.1 and Respondent No.2 was solemnized on 22.11.2019 as per Hindu rites and ceremonies at Delhi. No child was born out of the said wedlock. It is submitted that due to temperamental differences, both the parties started living separately since 20.09.2020. Thereafter, Respondent No.2 filed a petition under section 12 of DV Act on 17.05.2021. On 15.04.2021 HMA petition under section 13(1)(ia) of the Hindu marriage act was filed by the respondent no. 2 against the petitioner no. 1. Subsequent thereto, on 04.01.2022, the aforesaid FIR was registered against the petitioners. Petitioners No. 2 & 3 are the parents of petitioner No. 1.

3. During the pendency of the proceedings, the parties amicably settled the matter through a compromise/MOU dated 06.04.2023, whereby petitioner No.1 paid Rs. 5,00,000/- to respondent No.2. The said MOU is placed on record as Annexure B. Pursuant to the compromise, respondent No.2 withdrew the D.V. petition and HMA petition against petitioner No.1 on 10.05.2023 and 23.05.2023 respectively. Thereafter, a mutual divorce decree was granted by the Family Court, Patiala House, New Delhi vide HMA no. 834/2022 dated 16.10.2023.

4. Both the parties were presented before the JR on 27.02.2025, for recording their statements, which reads as follows;

“27.02.2025



Today, statement of respondent no. 2 has been recorded, wherein she has confirmed that the a demand draft handed over to her on the last date of hearing for a total sum of Rs. 1,00,000/- in form of Demand Draft No. 000047 drawn on HDFC Bank, dated 07.02.2025 stands duly realized in her favour. Further she states that she has no objection if the FIR No. 02/2022, Under Section 498-A/406/377/506/354/34 IPC, registered PS R.K. Puram, Delhi and all proceedings emanating there from are quashed qua the petitioners.

The statement of respondent no. 2 to ascertain the veracity and the genuineness of the parties entering into settlement was recorded on 12.02.2025.

The Mediation Settlement dated 06.04.2023 entered into between the parties is on record as Annexure - B at page 50 to 55. As per the settlement, the respondent no. 2 has now received the total settlement amount towards her article, stridhan as well as towards alimony and maintenance past, present and future.

Respondent no. 2 has also been granted divorce by Mutual consent in HMA No. 834/2023 vide divorce decree dated 16.10.2023 as Annexure A at page no. 62 to 71. There is no child born out the wedlock.

Respondent no. 2 has been identified by her counsel.

This pre verified report along with the petition may be placed before the Hon'ble Court on 10" March, 2025 alongwith the statements recorded today."

5. Petitioners and respondent No. 2 are physically present before the Court. They have been identified by their respective counsels as well as by the Investigating Officer SI Arti, from PS R.K. Puram and SI Kavita, from PS VK North.

6. Respondent No. 2 confirms that she has received the full and final settlement amount of Rs. 5,00,000/- and further submits that the matter has been amicably settled with the Petitioners without any force, fear, or coercion. She submits that she has also received all articles of her stridhan from petitioners. She has no objection to the terms and conditions



mentioned in the Compromise/Settlement Deed dated 06.04.2023 and further submits that she has no objection if FIR No. 02/2022, under Sections 498-A/406/377/506/354/34 IPC, registered at PS R.K. Puram, Delhi along with all pending proceedings arising therefrom, is quashed against the Petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the FIR No. 02/2022, under Sections 498-A/406/377/506/354/34 IPC, registered at PS R.K. Puram, Delhi alongwith pending proceeding is quashed.

8. In ***Gian Singh vs State of Punjab (2012) 10 SCC 303***, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

9. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 02/2022, under Sections 498-A/406/377/506/354/34 IPC, registered at PS R.K. Puram, Delhi and all the other consequential proceeding emanating therefrom.



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10. In the interest of justice, the petition is allowed, and FIR No. 02/2022, under Sections 498-A/406/377/506/354/34 IPC, registered at PS R.K. Puram, Delhi, along with all the other consequential proceeding emanating therefrom is hereby quashed.

11. Petition is allowed and disposed of accordingly.

12. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J

MAY 22, 2025/na



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