



\$~55

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

+ **W.P.(CRL) 330/2025**

NAVIN KUMAR AND ORS

.....Petitioners

Through: Mr. Ravindra Kanth, Ms. Nilmani
Kant Das and Ms. Rachna Kumari,
Advocates.

Versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.) for
the State with ASI Jai Prakash, P.S.
S.J. Enclave.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

25.04.2025

%

CRL.M.A. 2804/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

W.P.(CRL) 330/2025

3. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*previously under Section 482 of the Code of Criminal Procedure, 1973*), has been filed on behalf of the Petitioners, for quashing the FIR No. 0077/2023 under Section 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Safdarjung Enclave, District South West, Delhi and the consequential proceedings emanating thereto.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:22:08



4. Issue notice.
5. Mr. Anand V. Khatri, learned ASC appearing on advance Notice, accepts Notice on behalf of the State.
6. Brief facts of the case are that the marriage was solemnized between Petitioner No. 1/husband and the Respondent No. 2/wife on 09.03.2011, according to the Hindu rites and ceremonies and one child, namely, Hridayansh was born out of the said wedlock.
7. It is further submitted that on 17.02.2023, on the Complaint of the Respondent No. 2, an FIR No. 0077/2023 under Section 498A/406/34 of the IPC got registered at Police Station Safdarjung Enclave, District South West, Delhi.
8. It is stated that on 24.07.2017, a Divorce first Motion Petition under Section 13-1(ia) of the Hindu Marriage Act, 1955 bearing HMA No. 800/2017, has been filed against the Petitioner No. 1 and the same was decreed *vide* Order dated 04.10.2024. Thereafter, on 23.11.2019 Maintenance Petition under Section 125 of CrPC bearing M.T. Case No. 363/2019 was filed against the Petitioner No. 1 and the same has been withdrawn on 29.11.2024. On 11.03.2024, Execution Petition bearing case No. Ex.41/2024 was filed against the Petitioner No. 1 and the same has been withdrawn on 29.11.2024. The Respondent No. 2 also filed a Complaint against the Petitioner Nos. 1 to 5 under Section 12/17/18/19/20/21/22/23 of the Protection of Women from Domestic Violence Act, 2005 bearing CT No. 6843/2017, before the learned Metropolitan Magistrate, South District Saket, New Delhi and the same has also been withdrawn on 07.12.2024.
9. On 19.05.2023, the Petitioner No. 1 also filed Case under Section 12 read with Section 25 of the Guardians and Wards Act, 1890 bearing GWA

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:22:08



Petition No. 40/2023 before the Family Court, South District, Saket, New Delhi against the Respondent No. 2 and the same has been withdrawn on 29.11.2024.

10. It is stated that the Petitioner No. 1 and the Respondent No. 2 have amicably settled all the disputes and differences between them before the learned Judge Family Courts, Saket (South), New Delhi, Counselling Cell and arrived at Settlement Deed dated 16.11.2024 wherein it was *inter alia* settled between the parties that the Petitioner No. 1 shall pay the Respondent No. 2, a sum of Rs.10,90,000/- as full and final settlement (*against stridhan, dowry and maintenance, execution against the amount of towards past, present and future*) in two instalments by way of DD/Pay Order. It was further agreed between the parties that the Petitioner No. 1 shall pay the first instalment in the sum of Rs.6,00,000/- to the Respondent No. 2 at the time of withdraw the case of Guardianship by way of DD/Pay Order and the second instalment in the sum of Rs.4,90,000/- shall be paid by the Petitioner No. 1 to the Respondent No. 2 at the time of quashing the said FIR. It was further agreed between the parties that the Petitioner No. 1/Respondent No. 2 will withdraw all the cases pending in the Court of learned Judge, Family Court, Saket, New Delhi. It was further agreed between the parties that the Respondent No. 2 shall withdraw her Complaint bearing No. CT/6843/2017 against the Petitioner No. 1 and his family members under Section 12 of the Domestic Violence Act.

11. It is stated that the Petitioner has already paid the first instalment of Rs. 6,00,000/- to the Respondent No. 2 *vide* State Bank of India Bankers Cheque No. 457026 dated 27.11.2024 before the Court of the learned Family Court, South, Saket, New Delhi and the second instalment of

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:22:08



Rs.4,90,000/- has been paid by the Petitioner No.1 to the Respondent No. 2 *vide* State Bank of India Demand Draft No. 457156 dated 10.01.2025 and the same has been accepted by the Respondent No. 2/wife.

12. It is also stated that on 04.10.2024, the marriage between the Petitioner No. 1 and the Respondent No. 2, had been dissolved as per the Hindu law.

13. In view of the Settlement Deed dated 16.11.2024, the present Petition has been filed.

14. The Petitioner No. 1 is present before this Court in-person today, and has been identified by his counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

15. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 16.11.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

16. The present Petition has been signed by the Petitioner No.1 and is supported by his affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 16.11.2024 and they also submit that the said Settlement Deed dated 16.11.2024 has been arrived at between the parties, without any pressure and coercion.

17. The statement of the parties have already been recorded by the learned Joint Registrar and they have undertaken to remain bound by all the terms and conditions stated in the Settlement Deed.

18. Today, the Respondent No. 2/wife, who is present through video-conferencing states that she has received all amounts due to her and has no objection if the said FIR is quashed. The custody of the minor child aged

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:22:08



about 13 years shall remain with the Respondent No. 2/wife with no visitation rights of the Petitioner No.1.

19. 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 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.

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

21. Accordingly, FIR No. 0077/2023 under Section 498A/406/34 of the IPC registered at Police Station Safdarjung Enclave, District South West, Delhi and the consequential proceedings emanating thereto are quashed, without prejudice to the rights and contentions of the minor, in accordance with law.

22. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

APRIL 25, 2025/RS

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:22:08