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

+ CRL.M.C. 1191/2025 & CRL.M.A. 5347/2025

DEEPAK KUMAR

.....Petitioner

Through: Mr. Sushant Mukund, Advocate.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Tarang Srivastava, APP for State.

SI Shubhanshu, P.S. Kalyanpuri.

Ms. Deepika Gawri Tyagi, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.07.2025

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1. The instant petition seeks quashing of FIR No. 11/2016, P.S. Kalyanpuri, under Sections 498A/406/056/34 of the Indian Penal Code, 1860,¹ on the basis of a purported settlement between the Petitioner and Respondent No. 2. The marriage between the parties had lasted for nearly 7 years before they got divorced, and as per the terms of the purported settlement shown to the Court, Respondent No. 2 had agreed to give no-objection to the quashing of that FIR without receiving any maintenance. Taking note of this peculiar situation, on 16th April, 2025, the Court passed the following order:

“1. Through the present petition, the Petitioner seeks quashing of FIR No. 0011/2016 under Sections 498A, 406, 506 and 34 of the Indian Penal Code, 1860, registered at P.S. Kalyanpuri, Delhi on the basis of a purported settlement arrived at between the parties.

2. Pursuant to the order dated 19th February, 2025, Respondent No. 2

¹ “IPC”



– the Complainant is present in person and the Court has interacted with her. She confirms that both parties applied and secured a decree of divorce by mutual consent under Section 13B (2) of the Hindu Marriage Act, 1955².

3. It is observed that the marriage between the parties lasted for nearly 7 years before they got separated. In such circumstances, since Respondent No. 2 is not assisted by a counsel, the Court considers it apposite that she be properly advised as to her legal rights. Accordingly, Ms. Deepika Gawri Tyagi, who is also present in the Court, is appointed to represent Respondent No. 2 and provide the appropriate legal advice to her. The Registry is directed to supply a copy of the paper book to Ms. Tyagi.

4. Furthermore, considering that there is a possibility of amicable resolution, the parties are referred to the Delhi High Court Mediation and Conciliation Centre, where they shall appear on 22nd April, 2025. The Mediation Centre is requested to appoint a Senior Mediator in the present case, preferably someone with adequate experience in cases relating to matrimonial disputes.

5. List before the Court on 2nd July, 2025.”

2. Counsel for the Petitioner submits that the mediation between the parties failed, as Respondent No. 2 demanded a sum of INR 4 lakhs, which the Petitioner is unable to pay due to lack of financial resources. It is stated that the Petitioner is only in a position to offer INR 10,000/- towards settlement. In the opinion of this Court, such an amount is grossly inadequate, and does not reflect a genuine and *bona fide* attempt at settlement

3. Accordingly, the present petition is dismissed.

4. The Court has not commented on the merits of the case. The Petitioner shall be at liberty to defend his case before the Trial Court on its own merits.

5. It is clarified that should there be genuine settlement between the parties, they shall be free to apply to the Court for seeking appropriate

² “HMA”



remedy, in accordance with law.

6. With the above directions, the present petition is disposed of along with pending application.

SANJEEV NARULA, J

JULY 2, 2025

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