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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 196/2017**

ANIL KUMAR & ORS.

.....Petitioners

Through: Mr. S.S. Saini & Mr. Nitin Kumar,
Advocates

Versus

STATE OF DELHI & ANR.

.....Respondent

Through: Mr. Shoaib Haider, Additional Public
Prosecutor for Respondent-State with
SI Mahendra
Ms. Jahnvi Worah, Advocate for
Respondent No.2

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

01.05.2025

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1. The present petition under Section 482 Cr.P.C. has been filed by the Petitioners seeking quashing of FIR No.157/2003, under Sections 406/498A IPC, registered at Police Station Narela and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement dated 31.05.2008 through Mediation Centre, Rohini Courts, Delhi.
2. It is submitted in the Petition that Petitioner No.1 and Respondent No.2 got married on 05.07.2000 as per Hindu Rites. Respondent No.2 left company of the Petitioner in November, 2002 and since then, parties have been living separately.
3. In November, 2002 Respondent No.2 filed a complaint with the Police and Petitioners were called to the Police Station but matter was compromised. In March, 2003, Respondent No.2 preferred a petition under Section 125 Cr.P.C. against Petitioner No.1.



4. On 09.05.2003 FIR No. 157/2003, under Sections 498A/406/34 IPC was registered against the Petitioners at Police Station Narela. In the first week of May, 2003, the parties were referred to Mediation Center, Rohini Court for amicable settlement, which was effected through Settlement Deed dated 31.05.2008.

5. In terms of Settlement, Petitioner No.1 agreed to pay Rs.1,20,000/- to Respondent No.2 in different installment. However, since Respondent No.2 did not come forward, the Petitioner preferred Crl. M.C. No. 2025/2009 before this Court and the Petitioner paid a sum of Rs.30,000/- to Respondent No.2 on 08.10.2009. Even though Respondent No.2 caused delay in filing petition for divorce by mutual consent, Petitioner No.1 compensated by paying interest @8% p.a. for delay in making payment of Rs.1,20,000/-.

6. Thereafter, Petitioner preferred Petition under Section 13 (B) (i) of the Hindu Marriage Act but the same was dismissed due to non-appearance of Respondent No.2. Thereafter, Petitioner's Petition Crl. M.C. No. 2025/2009 was dismissed by this Court being premature. Hence, the present Petition has been filed seeking quashing of the FIR.

7. ***Learned Counsel appearing on behalf of Respondent No.2 has submitted*** that on 11.12.2025 it was submitted before this Court that settlement was arrived at between the parties in the year 2008 and part payment was received by Respondent No.2 but had also submitted that the parties had a daughter of marriageable age and Petitioner be directed to pay some amount to take care of expenditure towards marriage.

8. ***Submissions heard and record perused.***

9. Record shows that the parties had amicably resolved their matrimonial dispute in terms of Settlement Deed dated 31.05.2008 through



Delhi Mediation Centre, which was acted upon by Petitioner No.1 and he also paid interest of delayed payment, which was accepted by Respondent No.2. However, the apprehension of Respondent No.2 is expenses of marriage of daughter of the parties. It is settled law that the settlement between husband and wife is without prejudice to the rights of the child, which can be agitated before the Court of appropriate jurisdiction.

10. At this stage, learned Counsel for the Petitioners has submitted that in terms of Settlement, a sum of Rs.20,000/- is to be paid to Respondent No.2 at the stage of filing of Petition under Section 13 B(ii) of the HMA but since she has not come forward, the Petitioner No.1 is ready and willing to deposit the same before this Court.

11. Considering that parties had voluntarily arrived at settlement which has been acted upon by the Petitioner, no fruitful purpose would be served in continuing with the proceedings arising out of FIR in question.

12. In view of above, FIR No.157/2003, under Sections 406/498A IPC, registered at Police Station Narela and proceedings emanating therefrom are hereby quashed, subject to Petitioner No. depositing sum of Rs.20,000/- with the Registrar General of this Court within Four weeks, which shall be kept in Fixed Deposit Receipt in auto renewal mode. Respondent No.2 is at liberty to withdraw the same on moving appropriate Application, after obtaining decree of divorce by mutual consent in terms of Settlement Deed dated 31.05.2008.

13. The present Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

MAY 1, 2025 /r