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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2187/2025**
BANISH & ORS.

.....Petitioner
Through: Ms. Meera Raina Patel, DHCLSC
with Ms. Ritika Saini, Mr. Puru
Pratap Singh, Ms. Manika Pandey,
Mr. Zainab Hussain and Mr. Vikash
Vadit, Advocates.

versus

STATE NCT DELHI & ANR.

.....Respondent
Through: Mr. Shoaib Haider, Ld. APP for State
with SI Lalit Kumar P.S. Wazirabad.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

23.04.2025

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CRL.M.A. 9835/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

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3. The present Petition under Section 528 BNSS has been filed on behalf of the petitioners seeking to quash the FIR No. 949/2022 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 at Police Station Wazirabad, Delhi.
4. Brief facts of the case are that the marriage was solemnized between



petitioner No. 1 and respondent No. 2 on 28.01.2014 according to Hindu rites and ceremonies. It is stated that a child was born out of the said wedlock, who is now aged about 10 years. Since 03.09.2022, the parties started residing separately.

5. It is further submitted that on 14.09.2022, on the complaint of respondent No. 2, an FIR bearing No. 0949/2022 under Sections 498A/406/34 of the Indian Penal Code, 1860 got registered at Police Station Wazirabad.

6. It is stated that in relation to FIR No.0949/2022 the Police filed a Chargesheet on 06.07.2023 in the Court of learned M.M. Thereafter the matter was settled in the Court which was recorded vide Order dated 09.11.2023 which was modified vide Order dated 26.02.2024, and it was *inter alia* settled between the parties that the respondent No. 2/wife and the petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated that petitioner No. 1/husband shall pay a sum of Rs. 4,50,000/- to the respondent No. 2/wife towards full and final amount of all the claims of the respondent No. 2/wife. It was agreed that out of Rs.4,50,000/-, Rs.2,50,000/- shall be paid by the Petitioner No.1/husband to Respondent No.2/wife at the time of recording of statement of first motion for dissolution of marriage and the balance amount of Rs.2,00,000/- shall be paid by the Petitioner No.1/husband in favour of Respondent No.2/wife at the time of recording of statement for second motion.

7. It is also stated that the child shall remain in the custody of Respondent No. 2/wife and Petitioner No.1/husband shall have no visitation rights.

8. It is also stated that on 05.09.2024, the marriage between petitioner



No. 1 and respondent No. 2 had been dissolved as per Hindu law.

9. In view of the Compromise Deed dated 09.11.2023 modified on 26.02.2024, the present Petition has been filed.

10. The parties have appeared before this Court through Video Conferencing today, and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

11. The entire payment of Rs.4,50,000/- has already been paid to the respondent No. 2/wife by the Petitioner No. 1/husband, and the same has been confirmed by the respondent No. 2/wife.

12. The parties have submitted that all the disputes have been amicably settled *vide* Compromise Deed dated 09.11.2023 modified on 26.02.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

13. The present Petition has been signed by all the parties and is supported by their respective affidavits. The parties have reaffirmed the terms of the settlement arrived at *vide* Compromise Deed dated 09.11.2023 modified on 26.02.2024 and they also submit that the said Compromise Deed has been arrived at between the parties without any pressure and coercion. The Settlement dated 09.11.2023 modified on 26.02.2024 is without prejudice to the rights of the child.

14. Today, the Complainant/Respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and 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 the fact that the present matter is a family matter, I am of the opinion that 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 FIR in question.

17. Accordingly, FIR bearing No. 0949/2022 registered at Police Station Wazirabad, North Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating there from are quashed.

18. The Petition stands disposed of along with pending Application(s).

NEENA BANSAL KRISHNA, J

APRIL 23, 2025/va