



\$~24

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

+ **CRL.M.C. 1817/2019 & CRL.M.A. 7279/2019**

SHRI PRAKASH GUPTA & ORS.

.....Petitioners

Through: Mr. Nikkhil Malhotra and Mr. AK
Jain, Advocates.

versus

STATE & ANR

.....Respondents

Through: Mr. Manoj Pant, APP for the State.
Mr. Sachin Mittal, Mr. Satyam Arora
and Ms. Khushboo Sharma,
Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

20.01.2025

%

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereafter '*Cr.P.C.*') has been filed by the petitioners praying for quashing of FIR bearing No. 185/2018, registered at Police Station Rohini, North District, Delhi, for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('*IPC*').
2. Issue Notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.
3. Brief facts of the present case are that on 05.12.2000, the petitioner no. 1 got married to the complainant/ respondent no. 2 herein, at New Delhi, according to Hindu rites and ceremonies. Two children were born out of the said wedlock. It has been alleged by the complainant that she had serious adjustment issues with her husband and in-laws, as she was 12 years younger to petitioner no. 1. In 2006, the complainant had started suffering



from mental and physical weakness, and she had started suffering from depression, which affected her whole family. The complainant was also undergoing counselling treatment at Saroj Hospital, Rohini, New Delhi. The mental health condition of the complainant had remained highly disturbed, and she was under continuous medical treatment of various psychiatrics, since the year 2006. Thereafter in 2016, the complainant had made a friend, namely Kamal Khanna, through social media, who, as alleged, took advantage of the medical condition of the complainant and had coerced her into having physical relations with him. It is stated that in 2018, Kamal Khanna had allegedly misguided the complainant into filing an FIR against the petitioner, and his family members. It is stated that the complainant had also filed a complaint under the Domestic Violence Act, before the Mahila Court in Rohini Courts, Delhi, as well as a maintenance petition under Section 125 of the Cr.P.C. in the Family Court, Rohini, Delhi. It is stated that on 06.07.2018, an FIR bearing no. 185/2018, was registered against the petitioners at Police Station North Rohini, for offences punishable under Sections 498A/406/34 of the IPC. On 29.10.2018, both the parties had appeared before the Delhi High Court Mediation and Conciliation Centre (*Samadhan*) on 29.10.2018, and had entered into a settlement deed dated 10.12.2018. Hence, the present petition has been filed for quashing of the said FIR, based on settlement.

4. The petitioners are present before this Court, and have been identified by their counsel Mr. Nikkhil Malhotra and Investigating Officer (IO) present before this Court.

5. On the query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into the



compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties *vide* Memorandum of Understanding ('MoU') dated 24.09.2018, entered into between them.

6. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

7. Accordingly, FIR bearing No. 185/2018, registered at Police Station Rohini, North District, Delhi, for offences punishable under Sections 498A/406/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

8. The petition stands disposed of.

9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 20, 2025/at

[Click here to check corrigendum, if any](#)