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

+ **CRL.M.C. 2907/2025**

HARISH KUMAR & ORS.

.....Petitioners

Through: Mr. Manoj Kumar Pandey, Mr. Raj Kumar and Mr. Vivek Kumar, Advocates with Petitioners.

versus

STATE (GOVT NCT OF DELHI) THROUGH SHO & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State with SI Shubhanshu, PS Kalyanpuri. Mr. S.S. Rawat and Mr. Rajesh Kumar Rao, Advocates for R2 with R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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23.05.2025

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sahita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioners, for quashing of the FIR No.303/2020 dated 23.07.2020 under Section 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) reregistered at Police Station Kalyapuri and the Charge Sheet dated 26.10.2023 filed against the Petitioner No. 1 before the learned Judicial Magistrate First Class (Mahila Court-02), East District, Karkardooma Court, Delhi and all the consequential proceedings emanating therefrom.

2. Issue Notice.

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3. On advance Notice, learned APP has appeared and accepts the Notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between the Petitioner No.1/husband and the Respondent No. 2/wife on 27.11.2015, according to the Hindu rites and ceremonies and no child was born out of the said wedlock.
5. It is further submitted that on the Complaint of the Respondent No. 2, an FIR No. 303/2020 dated 23.07.2020 under Section 498A/406/34 IPC reregistered at Police Station Kalyapuri, against the Petitioners. It is stated that due to temperamental differences, they have been residing separately since 02.10.2019.
6. The matter has been amicably settled between the parties *vide* Settlement Deed on 06.01.2024, before the Delhi Mediation Centre, Karkardooma Courts, Delhi, which bears the signatures of all the parties and both the parties have settled all their grievances. In the Settlement Deed, it was agreed between the parties that the Petitioner No.1 shall pay the total amount of Rs.30,000/-, by way of Demand Draft/RTGS/NEFT, to the Respondent No. 2, in three instalments, as full and final settlement (*against stridhan and dowry, maintenance towards past, present and future*). It was also agreed that the first instalment of Rs.10,000/- shall be paid by the Petitioner No.1 to the Respondent No.2 at the time of recording of the Statement of first Motion Petition under Section 13B(1) of the Hindu Marriage Act. The second instalment of Rs.10,000/- shall be paid by the Petitioner No. 1 to the Respondent No. 2 at the time of recording the Statement in the second Motion Petition under Section 13B(2) of the Hindu Marriage Act. The third instalment of Rs.10,000/- shall be paid by the

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Petitioner No. 1 to the Respondent No. 2 at the time of quashing the said FIR, before the this Court. It was further agreed that the parties shall withdraw all the pending cases against each other.

7. The parties are present in person and have been identified by their learned counsel and the Investigating Officer concerned. It is submitted by learned Counsel for the Respondent No. 2 that the settlement amount of Rs.30,000/- has already been paid by the Petitioner No. 1.

8. It is also stated that on 01.07.2024, the marriage between the Petitioner and the Respondent No. 2, had been dissolved by mutual consent, as per the Hindu law.

9. The Statements of the parties have already been recorded before the learned Joint Registrar. They have entered into the Settlement voluntarily and without any fear and coercion and undertake to remain bound by the terms of the said Settlement.

10. Considering the nature of the allegations and that they have settled the matter, the FIR No. 303/2020 dated 23.07.2020 under Section 498A/406/34 IPC reregistered at Police Station Kalyapuri and the Charge Sheet dated 26.10.2023 filed against the Petitioner No. 1 before the learned Judicial Magistrate First Class (Mahila Court-02), East District, Karkardooma Court, Delhi all the consequential proceedings emanating therefrom are quashed

11. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

MAY 23, 2025/RS

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