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

+ CRL.M.C. 3133/2025 & CrI.M.A. 13790/2025

ANSHU CHOUDHARY

.....Petitioner

Through: Mr. Satyender Kumar & Mr. Gaurav,
Advocates

Versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Utkarsh, Additional Public
Prosecutor for Respondent-State with
WSI Varsha & SI Sanjay Kumar
Ms. Ritika Bansal & Ms. Saumya
Dwivedi , Advocates with
Respondent No.2/ Complainant in
person

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

05.05.2025

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1. The present Petition under Article 227 of the Constitution of India read with Section 528 of *The Bhartiya Nagrik Suraksha Sanhita, 2023* has been filed seeking quashing of Summoning Order dated 18.09.2023, under Sections 366/354C and 495 IPC, passed by the learned Trial Court in CC No. 916/2021.

2. ***Briefly stated***, marriage between Petitioner and Respondent No.2 was solemnized on 12.12.2008 as per Hindu Rites. However, due to temperamental differences, the parties started living separately since 15.05.2021.

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3. On 16.08.2021, Respondent No.2/ Complainant filed a Complaint under Section 200 Cr.P.C. The learned Metropolitan Magistrate took cognizance of the offences under Sections 366/354C/495 IPC and summoned the Petitioner. The parties thereafter entered into several litigations against each other and were referred to Mediation Center, Saket Court, New Delhi.

4. It is submitted that the parties have amicably resolved their disputes in terms of Memorandum of Understanding/ Settlement dated 21.05.2024. The parties have agreed to obtain Decree of Divorce by mutual consent. It is submitted that first motion under Section 13(B) (1) of the Hindu Marriage Act has already been allowed by the learned Family Court and second motion shall be preferred in the month of July, 2025.

5. In terms of Memorandum of Understanding/ Settlement dated 21.05.2024, the Petitioner has agreed to pay a sum of Rs.35,00,000/- to Respondent No.2 toward full and final settlement of all past, present and future claims and permanent alimony. It is stated that a sum of Rs.10,00,000/- shall be paid to Respondent No.2-wife at the time of recording of statement of parties in first motion another sum of Rs.10,000/- at the time of recording of statement in second motion.

6. It is agreed between the parties that the sum of Rs.15,00,000/- shall be paid at the time of withdrawal of Complaint Case No. 916/2021, under Section 156(3) read with Section 200 Cr.P.C. It is also agreed between the parties that Respondent No.2 shall transfer the ownership of the Property bearing No.603, Mahima Trinity, Swage Farm, New Sanganeer, Jaipur to in the name of Petitioner.

7. Learned Counsel for the Petitioner submits that it has been agreed

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between the parties that the Petitioner shall pay sum of Rs.15,00,000/- to Respondent No.2 after the aforesaid property, in which Respondent No.2 is having 50% share, is transferred in the name of Petitioner.

8. Learned Counsel appearing for Respondent No.2, on instructions, submits that the transfer documents shall be executed in favour of Petitioner and Respondent No.2 has no objection if the remaining sum of Rs.15,00,000/- is given at that time. Respondent No.2 states that she has no objection to the quashing of the Complaint in question.

9. Submissions heard.

10. In view of the fact that parties have amicably resolved their disputes in terms of Memorandum of Understanding/ Settlement dated 21.05.2024, no purpose would be served in continuing with the proceedings arising out of Complaint Case No. 916/2021.

11. In view of the above, the present Petition is allowed and Complaint Case No. 916/2021 and proceedings emanating therefrom are hereby quashed.

12. The present Petition and pending Application are accordingly disposed of.

NEENA BANSAL KRISHNA, J

MAY 5, 2025

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