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

+ **CRL.M.C. 4036/2025**

RAJ KUMAR AND OTHERS

.....Petitioners

Through: Mr. Brijesh Kumar, Advocate with
Petitioners in person

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Shoaib Haider, APP for the State
with SI Sanjeev Singh, P.S. Gazipur
Complainant in person

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

30.05.2025

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1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioners for quashing of FIR No. 0393/2021 dated 26.08.2021 under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*), registered at P.S. Ghazipur and all the proceedings emanating therefrom in terms of the Settlement Deed dated 15.01.2025.
2. Issue Notice.
3. Mr. Shoaib Haider, learned APP appearing on advance Notice, accepts Notice on behalf of the State.
4. Brief facts of the case are that the marriage was solemnized between Petitioner No. 1 and respondent No. 2 on 05.12.2015, according to Hindu rites and ceremonies and on 15.10.2017, one male child, namely, Vibhor was born out of the said wedlock, who is under the care and custody of the



Respondent No. 2. Due to temperamental differences, Petitioner No. 1 and the Respondent No. 2 started living separately since 2020.

5. It is further submitted that on the basis of complaint made by Respondent No. 2 FIR No.0393/2021 dated 26.08.2021 under Sections 498A/406/34 of the IPC got registered at P.S. Ghazipur.

6. It is stated that the Petitioner No. 1 and the Respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement *vide* Settlement dated 15.01.2025.

7. In terms of the Settlement dated 15.01.2025, the Statement of the parties have already been recorded before the learned JR.

8. In the Settlement dated 15.01.2025, 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 under Section 13-B(1) and 13-B(2) of Hindu Marriage Act, 1955, from the Court of learned Principal Family Judge, Delhi. It is stated that the Petitioner No. 1/husband shall pay a sum of Rs.10,00,000/- towards full and final settlement of all the claims in all respect i.e. towards past, present and future maintenance, balance *istridhan* and alimony of the Respondent No. 2/wife, in three instalments. It is also stated that the Petitioner No. 1/husband shall pay first instalment of Rs.3,00,000/- to Respondent No. 2/wife at the time of recording of statements of both the parties before the Court under Section 13-B (1) of the Hindu Marriage Act, 1955; the second instalment of Rs.3,00,000/- shall be paid to the Respondent No. 2 at the time of recording of statement before the Court in Petition under Section 13-B(2) of the Hindu Marriage Act, 1955 and the third instalment of Rs.4,00,000/- shall be paid by the Petitioner No. 1/husband by way of Bank Draft/Pay Order to the



Respondent No.2, at the time of quashing the aforesaid FIR. It is also submitted that the parties shall withdraw all the proceedings pending against each-other.

9. It is stated that the Petitioner No. 1/husband has already paid the settled amount of Rs.6,00,000/- to the Respondent No. 2, which is accepted by the Respondent No. 2.

10. It is also stated that on 09.04.2025, the marriage between the Petitioner No. 1/husband and the Respondent No. 2/wife, had been dissolved by mutual consent, as per the Hindu law.

11. In view of the Settlement dated 15.01.2025, the present Petition has been filed.

12. The parties are present before this Court in-person today and have been identified by their learned Counsel and concerned Investigating Officer. The parties have endorsed the amicable Settlement and accepted the terms thereof voluntarily and have undertaken to remain bound by the terms of the Settlement.

13. The parties have submitted that all the disputes have been amicably settled *vide* Settlement dated 15.01.2025 and thus, no fruitful purpose will be served in continuing with the FIR.

14. The present Petition has been signed by the Petitioners and is supported by their Affidavits. The parties have reaffirmed the terms of the Settlement dated 15.01.2025 and they submit that the said Settlement has been arrived at between the parties, without any pressure and coercion.

15. The Respondent No. 2 states that she has received all amounts due to her including the remaining amount of Rs.4,00,000/- by way of demand draft today in the Court and she has no objection if the FIR is quashed.



16. 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, 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.

17. Moreover, there is no legal impediment in quashing the aforesaid FIR in question. The custody of the child has been agreed to remain permanently with the Respondent No. 2.

18. Accordingly, FIR No. 0393/2021 dated 26.08.2021 under Sections 498A/406/34 of the IPC, registered at P.S. Ghazipur and all consequential proceedings emanating therefrom are quashed. However, it is clarified that the said Settlement is without prejudice to the rights of the minor, in accordance with law.

19. Accordingly, the Petition stands disposed of.

NEENA BANSAL KRISHNA, J

MAY 30, 2025

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