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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2079/2024 & CRL.M.A. 20131/2024**

NILESH KUMAR YADAV & ORS.Petitioners
Through: **Mr. Alind Srivastava, Advocate**

versus

STATE NCT OF DELHI AND ANRRespondents
Through: **Mr. Yasir Rauf Ansari, ASC for State**
with Mr. Alok Sharma and Mr. Amit
Sahni, Advocates along with SI
Deepak Tanwar, PS: Kishan Garg

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
27.01.2025

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1. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No. 363/2022 registered at P.S. Kishan Garh, New Delhi under Sections 498A/406/34 of Indian Penal Code, 1860 on the ground of settlement.
2. The subject FIR has been filed on the complaint of Respondent No. 2, wife of Petitioner No. 1.
3. It is the case of the Petitioners that parties have arrived at an out of Court settlement terms of which have been recorded in the first motion petition allowed vide Order dated 20.03.2023 under Section 13B (1) of the Hindu Marriage Act, 1955 by the learned Judge Family Court -02, East District, Karkardooma Court, Delhi in HMA Petition No.560/2023 and in fact, the decree of divorce has also been passed vide subsequent Order



dated 15.05.2023 in HMA Petition No.902/2023.

4. Petitioner Nos. 1 and 4 have joined the proceedings through Video Conferencing ('VC') and has been identified by the Investigating Officer ('IO') and the learned counsel for the Petitioners.

5. Learned counsel for the Petitioner states that Petitioner No. 1 and Respondent No. 2 were married and no child has been born out of the said wedlock.

6. Respondent No. 2 has also joined the proceedings through VC and has been identified by the IO.

7. She confirms the aforesaid submissions and states that she joins the request of the Petitioner for quashing of the FIR. She states that her affidavit in support of the Petition giving her No Objection will be filed within two (2) weeks. She states that she is presently in Bihar. She states that she has settled the matter of her own free will and without any coercion.

8. The IO is directed to ensure that Respondent no. 2 files her affidavit recording her no objection on record. In addition, learned counsel for the Petitioner is directed to ensure that the affidavit of Respondent No. 2 is placed on record within two (2) weeks.

9. Learned ASC states that this matter is still at the stage of investigation and no charge-sheet has been filed.

10. Considering the above settlement between the parties and the chances of the conviction of the petitioner being remote and bleak, there is no use continuing with proceedings of the present F.I.R. and it would be misuse of the process of the Court and unnecessary burden on state exchequer. Hence, it would be in the interest of justice to quash the aforementioned FIR and the proceedings pursuant thereto.



11. Consequently, the FIR No. 363/2022 registered at P.S. Kishan Garh, New Delhi under Sections 498A/406/34 IPC and proceedings emanating therefrom are quashed.

12. Accordingly, the petition is disposed of along with all pending applications.

13. In case the affidavit is not filed by Respondent No. 2 the registry is directed to place the matter before this Court.

MANMEET PRITAM SINGH ARORA, J
JANUARY 27, 2025/rhc/AKT