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

+ **CRL.M.C. 4894/2025**

SURESH KUMAR VASHISTH & ORS.

.....Petitioners

Through: Mr. Anoop Verma, Advocate.

versus

THE STATE GOVT NCT OF DELHI AND ANRRespondents

Through: Mr. Shoaib Haider, APP for the State
with SI Seema (Main IO) PS Dwarka,
Sector-23 with SI Poonam PS
Najafgarh.

Mr. Nitish Kumar, Advocate for R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **24.07.2025**

CRL.M.A. 21205/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. Petition under Section 482 of the Code of Criminal Procedure, 1973 (old) and 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.236/2016 under Section 498A/406/354/506/509/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Najafgarh and all the consequential proceedings emanating therefrom, in view of the Settlement



dated 28.01.2025.

4. Issue Notice.

5. On advance Notice, learned APP has appeared and accepts the Notice on behalf of the State.

6. Brief facts of the case are that the marriage was solemnized between the Petitioner No. 5/husband and the Respondent No. 2/wife on 29.11.2012, according to the Hindu rites and ceremonies and a girl child was born out of the said wedlock on 10.01.2014. Due to some temperamental differences, the Respondent No. 2 started residing separately from the Petitioner No. 5, since 26.02.2015.

7. On the Complaint of the Respondent No.2/Complainant, FIR No.236/2016 under Section 498A/406/354/506/509/34 IPC, got registered at Police Station Najafgarh.

8. It is submitted that the FIR was a consequence of the matrimonial disputes between the Complainant and the Petitioner No.5. It is stated that the Petitioner No.5 and the Respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement *vide* Memorandum of Settlement (MOU) dated 28.01.2025, before the Mediation Centre, Dwarka Courts, New Delhi. In the Settlement, it was inter alia settled between the parties that the Respondent No. 2/wife and the Petitioner No. 5/husband shall dissolve their marriage by decree of mutual consent under Section 13-B(1) and 13-B(2) of Hindu Marriage Act, 1955. It is stated that the Petitioner No.5/husband shall pay a sum of Rs.38,00,000/-, 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 four instalments. It is also stated that the



Petitioner No. 5 shall pay first instalment in the sum of Rs.4,75,000/- in the name of the minor daughter at the time of signing of the present MOU i.e. on 28.01.2025; the second instalment of Rs.4,75,000/- shall be paid by the Petitioner No. 5 at the time of withdrawal of the D.V. Act; the third instalment in the sum of Rs.4,75,000/- shall be paid by the Petitioner No. 5 to the minor daughter at the time of recording of Statement in the First Motion Petition; the fourth instalment in the sum of Rs.4,75,000/- shall be paid by the Petitioner No. 5 to the minor daughter at the time of recording of Statement in the Second Motion Petition and the sum of Rs.4,75,000/- shall be paid by the Petitioner No. 5 to the Respondent No. 2 and the sum of Rs.4,75,000/- shall be paid by the Petitioner No. 5 to the minor daughter at the time of quashing of the said FIR. It is also submitted that the custody of the child shall remain with the Respondent No. 2. It is further settled that both the parties shall withdraw all the proceedings pending against each other.

9. Today, the Petitioner No. 5 has handed over two Bank Drafts of Rs.4,75,000/- each to the Respondent No. 2/wife, who is present in the Court. The Respondent No. 2 states that she has received all amounts due to her and has no objection if the said FIR is quashed.

10. It is also stated that on 02.06.2025, the marriage between the Petitioner No. 5 and the Respondent No. 2, had been dissolved by mutual consent, as per the Hindu law.

11. Both the parties have entered into the Settlement voluntarily and without any fear and coercion and undertake to remain bound by the terms of the said Settlement.

12. Considering the nature of the allegations and that they have settled the



matter, the FIR No. No.236/2016 under Section 498A/406/354/506/509/34 IPC, registered at Police Station Najafgarh and all the consequential proceedings emanating therefrom are quashed. It is hereby clarified that the said Compromise is without prejudice to the rights and entitlement of the child.

13. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

JULY 24, 2025/RS