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

+ **W.P.(CRL) 2359/2025**

VIKAS KUMAR & ORS.

.....Petitioners

Through: Mr. Rahul Yadav, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State.

Mr. Harsh Kumar and Ms. Sikha Goel
and Mr. Neel Kumar Sharma,
Advocates for R2 with R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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25.08.2025

CRL.M.A. 22018/2025 (Exemption)

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

W.P.(CRL) 2359/2025

3. Petition under Section 482 of the Code of Criminal Procedure, 1973, corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) read with Article 226 of the Constitution of India, 1950, has been filed on behalf of the Petitioners, for quashing of FIR No. 0001/2021 dated 01.01.2021 under Section 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Ghazipur, East Delhi and all the consequential proceedings emanating therefrom, on the basis of the Settlement Deed dated 24.05.2023.



4. Issue Notice.
5. On advance Notice, Mr. Sanjay Lao, learned Standing Counsel has appeared and accepted the Notice on behalf of the State.
6. Brief facts of the case are that the marriage was solemnized between Petitioner No.1/husband and the Respondent No. 2/wife on 05.02.2017, according to the Hindu rites and ceremonies and one female child was born out of the said wedlock, on 15.07.2018.
7. On the Complaint of the Respondent No.2/Complainant, FIR No. 0001/2021 dated 01.01.2021 under Section 498A/406/34 of IPC, got registered at Police Station Ghazipur, East Delhi.
8. It is submitted that the FIR was a consequence of the matrimonial disputes between the Complainant and the Petitioner No.1. It is stated that the Petitioners 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 24.05.2023. In the Settlement, it was *inter alia* settled between the parties that the Respondent No. 2/wife and the Petitioner/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.1/husband shall pay a sum of Rs.10,25,000/-, by way of cash/DD, 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. It is also settled that neither party will claim anything nor file any civil and criminal case against each other and their families with regard to this marriage. It is also settled between the parties that the custody of the child shall remain with the Respondent No. 2/wife.



9. It is stated that the Petitioner No. 1 has already paid Rs.8,25,000/- at the time of recording of statements in First Motion Petition under Section 13(b) of the Hindu Marriage Act, 1955 and at the time of recording of statements in Second Motion Petition under Section 13(b)(2) of the Hindu Marriage Act, 1955. A Demand Draft bearing No. 031592, drawn from Axis Bank Ltd. Vaishali, Ghaziabad, U.P., in the sum of Rs.2,00,000/-, i.e. the balance amount, in favour of Preeti, has been handed over by the Petitioner No. 1 to the Respondent No. 2/wife, in the Court today and the same has been accepted by the respondent No.2. She further 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 14.12.2023, the marriage between the Petitioner No. 1 and the Respondent No. 2, had been dissolved by mutual consent, as per the Hindu law.

11. The parties are present in the Court in person and have been identified by their counsel and Investigating Officer concerned. 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.

12. Considering the nature of the allegations and that they have settled the matter, the FIR No. 0001/2021 dated 01.01.2021 under Section 498A/406/34 of IPC, registered at Police Station Ghazipur, East Delhi 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

AUGUST 25, 2025/RS