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

+ **W.P.(CRL) 2981/2024**

MANISH KUMAR & ORS.

.....Petitioners

Through: Mr. Digvijay Singh and Mr.
Chitaranjan Kumar, Advs.

versus

**THE STATE NCT OF DELHI (THROUGH SHO PS BUDH
VIHAR) & ANR.**

.....Respondents

Through: Mr. Sanjay Lao, SC for the State with
SI Ujjwal, PS: Budh Vihar.
Mr. Jatin Malhotra, Adv. for R-2
along with R-2.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **23.01.2025**

CRL.M.A. 29027/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed seeking quashing of FIR No. 224/2022 dated 21.03.2022 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S. Budh Vihar, Delhi and the proceedings emanating therefrom.
4. Learned counsel for the Petitioners states that the subject FIR arose



out of the disputes pertaining to the matrimonial relationship between Petitioner No. 1 and Respondent No. 1.

4.1. He states that the Petitioner No. 1 is the husband, Petitioner Nos. 2 and 3 are the father-in-law and mother-in-law, Petitioner Nos. 4 to 6 are brother-in-law(s) and Petitioner no. 7 is the sister-in-law of Respondent no. 2.

4.2. He states that the marriage of Petitioner No. 1 and Respondent No. 2 was solemnized on 21.04.2021 according to Hindu rites and ceremonies. Due to some temperamental issues Respondent No. 2 started residing separately since 07.06.2021. Thereafter, present FIR was lodged on the complaint of Respondent No. 2. No child was born out of the said wedlock.

4.3. He states that parties have settled their disputes as recorded in the Memorandum of Understanding (MoU) dated 03.06.2024. He states that the terms and conditions of the MoU have been duly performed by the parties. The marriage has also been dissolved by way of mutual consent vide decree dated 28.10.2024.

4.4. He states that an affidavit/ No Objection Certificate ('NOC') dated 22.08.2024 executed by Respondent No. 2 in support of this petition has been filed. He further states that Petitioners, who are resident of Uttar Pradesh have earlier appeared on 25.09.2024 and were duly identified by the Investigating Officer (IO). And on the said date, the Court has granted leave to the parties to appear through video conferencing (VC).

5. As per the MoU dated 03.06.2024, Petitioner No. 1 and Respondent No. 2 have agreed to dissolve their marriage with mutual consent, and Petitioner No. 1 has agreed to pay a total sum of Rs. 1,50,000/- (Rupees One Lakh and Fifty Thousand only) to Respondent No. 2 towards one time full



and final settlement.

6. Respondent No. 2/complainant is present in Court and is duly identified by her counsel as well as the IO. She confirms that she has settled the matter out of her own free will and without coercion. She confirms that she has executed the MoU dated 03.06.2024 and the affidavit-cum-NOC dated 22.02.2024. She further states that she is satisfied with the terms of the MOU dated 03.06.2024 and she has no objection to the quashing of the present FIR.

7. The Petitioners have joined today's proceedings through VC and are duly identified by the IO as well counsel for the Petitioners. They undertake to abide by the terms of the settlement arrived at between the parties.

8. The statements of the Petitioners and Respondent no. 2 are taken on record and they are bound down by the same.

9. Considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR, as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer.

10. Accordingly, the petition is allowed. Consequently, FIR No. 224/2022 dated 21.03.2022 registered under Sections 498A/406/34 of IPC at P.S. Budh Vihar, Delhi and the proceedings emanating therefrom are quashed.

11. Parties shall abide by the terms of MoU dated 03.06.2024.

12. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No



physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JANUARY 23, 2025/NG/MG/hp

Click here to check corrigendum, if any