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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7861/2024**
MAHESH & ORS.Petitioners

Through: Mr. Dheeraj Kumar Nayal, Adv. with
petitioners in person.

versus

THE STATE GOVT. OF NCT OF DELHIRespondent
Through: Mr. Pradeep Gahlot, APP for State
with SI Upender Singh PS Vasant
Kunj South
Mother of the complainant in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
14.01.2025

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.472/2018 under Sections 498A/406/34 IPC registered at Police Station Vasant Kunj, South, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the petition *vide* order dated 04.10.2024. The learned APP for the State submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed. The complainant has already passed away. The factum of death of complainant has also been



verified by the IO concerned, who is present in Court.

3. The petitioner no.1 (former husband), petitioner nos. 2-4, who are close relatives of petitioner no.1 are present in the Court and they have been identified by the learned counsel for the petitioner, as well as, by the Investigating Officer SI Upender Singh PS Vasant Kunj South. Likewise, the mother of the complainant, who is present in Court, has also been identified by the Investigating Officer.

4. The brief facts of the case are that the marriage between the petitioner no.1 and the complainant was solemnized on 14.02.2013 according to Hindu Rites and Customs. Out of the said wedlock, one male child, namely, Mayank @ Kartik was born, who is in the custody of petitioner no.1.

5. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 25.10.2017. The dispute between the parties also led to the registration of present FIR.

6. During the pendency of the proceedings, the marriage between the petitioner and complainant was dissolved by decree of mutual consent on 13.04.2023. However, subsequently, the complainant passed away on 03.05.2023.

7. The mother of the complainant namely, Smt. Mukesh is present in Court and states that she has no objection in case the FIR is quashed.

8. In view of the fact that there is a settlement of dispute, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

9. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

10. Consequently, the petition is allowed and the FIR No.472/2018 under



Sections 498A/406/34 IPC registered at Police Station Vasant Kunj, South, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

11. The petition stands disposed of in the above terms.
12. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 14, 2025
N.S. ASWAL