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

+ **CRL.M.C. 7867/2024**

ABHISHEK DEY & ORS.

.....Petitioners

Through: Mr. Harbir Singh and Ms. Praveena,
Advocates with petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Aman Usman, APP for the State
with SI Manoj Solanki, P.S.
Mandawli.

Mr. Arunav Tewari, Ms. Pooja and
Mr. Prakhar, Advocates for R-2 with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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10.01.2025

CRL.M.A. 30022/2024 (exemption)

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

CRL.M.C. 7867/2024

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No. 133/2019 dated 29.04.2019 under Sections 498A/406/34 IPC and under Sections 3/4 of the Delhi Prevention of Defacement of Public Property Act, 2007, registered at Police Station Mandawli Fazalpur, Delhi, and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. He 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.

5. The petitioner no.1 (former husband), as well as, respondent no. 2 (former wife), who are present in court, have been identified by their respective counsel, as well as, by the Investigating Officer SI Manoj Solanki, P.S. Mandawli, Delhi.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 25.11.2016 according to Hindu Rites and Customs.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 08.10.2018. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties have arrived at a settlement before Counselling Cell, Family Courts, Saket, New Delhi, terms whereof were reduced in writing in the form of Settlement Agreement dated 17.05.2023, which is annexed as Annexure P-2 to the present petition.

9. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 19.01.2024, which is annexed as Annexure P-4 to the present petition.

10. It is also a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.4,00,000/- to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs. Rs.2,50,000/- has already been



paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.1,50,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No. 36384 dated 08.01.2025 issued by HDFC Bank.

11. The receipt of entire amount of Rs.4,00,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

13. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

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

15. Consequently, the petition is allowed and the FIR No. 133/2019 dated 29.04.2019 under Sections 498A/406/34 IPC and under Sections 3/4 of the Delhi Prevention of Defacement of Public Property Act, 2007, registered at Police Station Mandawali Fazalpur, Delhi, alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

JANUARY 10, 2025

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