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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8079/2024**

ABHISHEK KUMAR & ORS.

.....Petitioners

Through: Mr. Sumit Kumar and Mr. Daljeet Singh, Advs. with petitioners in person.

versus

THE STATE (GOVT. OF NCT) DELHI THROUGH SHO & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for State with SI Ekta PS Bindapur
Mr. S.P. Sagar, Adv. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

21.01.2025

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CRL.M.A. 30896/2024 & CRL.M.A. 33938/2024 (exemptions)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CRL.M.C. 8079/2024

3. The present petition has been filed under Section 528 BNSS, 2023 and Section 428 CrPC seeking quashing of FIR No.820/2021 under Sections 498A/406/34 IPC registered at Police Station P.S. Bindapur 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), petitioner nos. 2 – 6, who are close relatives of petitioner no.1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel, as well as, by the Investigating Officer SI Ekta PS Bindapur.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 15.02.2009 according to Hindu Rites and Customs. Out of the said wedlock, one male child, namely, Himaksh Kumar was born, who is in the custody of the petitioner no.1.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 03.07.2021. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 20.04.2024, which is annexed as Annexure P-4 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 19.07.2024.

10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.19,00,000/- 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.17,00,000/- 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.2,00,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.532301 dated 11.10.2024 issued by Yes Bank, Yes Bank Tower, One International Center, Mumbai-400013.

11. The receipt of entire amount of Rs.19,00,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query posed 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.820/2021 under Sections 498A/406/34 IPC registered at Police Station P.S. Bindapur alongwith all other proceedings emanating therefrom, is quashed.

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

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 21, 2025/N.S. ASWAL