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

+ **W.P.(CRL) 3408/2024**

RAVI KUMAR & ORS.

.....Petitioner

Through: **Mr. Mohd. Shariq, Mohd. Javed,
Advocates.**

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Sanjay Lao, Standing Counsel for
the State.
Mr. Mitthan Lal, Mr. Gaurav Kumar,
Advocates for R-2**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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17.01.2025

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of FIR bearing no. 288/2022 dated 07.03.2022 registered under Sections 498A/406/34 Indian Penal Code, 1860 (IPC) and Section 4 of Dowry Prohibition Act, 1961 registered at P.S.: Khajuri Khas, Delhi.
2. Petitioner Nos. 1 to 8 are present in Court and have been identified by the Counsel for the Petitioners.
3. Respondent no. 2 is present in Court along with her father and she is identified by her counsel.
4. Learned counsel for the Petitioner states that parties have executed the settlement deed dated 13.02.2024 under the aegis of the the Counselling Cell



Family Court, North-East District, Karkardooma Courts, Delhi.

4.1 He states that parties have acted upon the settlement deed and a decree of divorce has been passed on 04.10.2024 under Section 13B (2) of the Hindu Marriage Act, 1955.

4.2 He states that parties had agreed that Petitioner will pay Respondent no. 2 a sum of Rs. 60,000/- as per Clause 2 of the Settlement deed. He states that a sum of Rs. 40,000/- already stands paid and the balance amount of Rs. 20,000/- in cash has been handed over during the course of the hearing.

5. Learned counsel for Respondent no. 2 as well confirms the receipt of the amount of Rs. 60,000/- and the submission made by the learned counsel for the Petitioner.

6. It is stated that only proceedings pending between the parties was the mutual divorce proceedings initiated under Section 13B (2) of the Hindu Marriage Act, 1955 and the present FIR.

6.1 It is stated by the parties that parties now wish to amicably settle the matter and therefore they jointly pray for quashing of this FIR bearing no. 288/2022.

7. Learned ASC submits that the FIR is still at the stage of investigation and no charge-sheet has been filed.

8. This Court has interacted the Respondent no. 2, the complainant and she confirms that she has agreed to the settlement out of her free will.

9. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the Petitioners being remote and bleak, this Court is, therefore, of the view that there is no use continuing with proceedings of the present FIR as it would be misuse of the process of the Court and an unnecessary burden on



the State exchequer. It will be nothing but abuse of the process of law. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

10. In view of the above, the FIR No. 288/2022, dated 07.03.2022 registered at Police Station Khajuri Khas, Delhi for offences under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act and proceedings emanating therefrom are quashed.

11. Parties shall abide by the terms of settlement.

12. Pending application is 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.

JANUARY 17, 2025/mt/sk

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any