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

+ **CRL.M.C. 8790/2024**

KAMAL DEV AND ORS

.....Petitioners

Through: Mr. Vaishnav Rajoria and Mr.
Abhinav, Advocates

versus

STATE GNCTD AND ANR

.....Respondents

Through: Utkrash, APP for the State with SI
Jarnail Singh
Respondent No. 2 (through VC)

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

03.02.2025

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1. The present petition has been filed under Section 528, BNSS of 2023 seeking quashing of FIR No. 263/2017 under Sections 498A/406/34 IPC registered at Police Station Punjabi Bagh, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. 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.

3. The petitioner no.1 (former husband), petitioner no.2 (mother of the petitioner no.1) and petitioner no.3 (sister of petitioner no.1) are present in Court while the respondent no. 2 (former wife) has joined through video conferencing. They have been identified by the Investigating Officer Jarnail



Singh, Police Station Punjabi Bagh, New Delhi.

4. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 21.04.2015 according to Hindu Rites and Customs. Out of the said wedlock, the parties have been blessed with one girl child.

5. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 16.06.2017. The dispute between the parties also led to the registration of present FIR.

6. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Tis Hazari, Delhi, where they arrived at a settlement. The terms of the said settlement were also recorded in the judgment dated 30.07.2019 disposing of the second motion petition, which is annexed to the petition.

7. 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 30.07.2019, which is annexed as Annexure P-3 to the present petition.

8. It is also a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.3,25,000/- to the respondent no.2 towards full and final settlement of all her claims. The receipt of entire amount of Rs.3,25,000/- is acknowledged by the respondent no.2, who is present in court.

9. The respondent no.2 who has joined through video conferencing, on a query put by the Court, states that she has no objection in case the FIR is quashed.



10. 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.

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

12. Consequently, the petition is allowed and the FIR No. 263/2017 under Sections 498A/406/34 IPC registered at Police Station Punjabi Bagh, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

FEBRUARY 3, 2025

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