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

+ **CRL.M.C. 8793/2024**

HIMANSHU KUMAR SINGH & ORS.Petitioners

Through: Mr. Shadman Ahmed Siddiqui and
Mr. Rahul Gupta, Advs.
Petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with Insp./SHO Pramendra Singh PS
Samaypur Badli
Mr. Rajneesh Bhaskar and Mr. Rachit
Raushan, Advs. for R-2 with
respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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13.01.2025

CRL.M.A. 33621/2024 (exemption)

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

CRL.M.C. 8793/2024

3. The present petition has been filed under Section 528 BNSS, 2023 read with Section 482 CrPC seeking quashing of FIR No.33/2018 under Sections 498A/406/377/342/354/506/323/34 IPC registered at Police Station Samaipur Badli 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, 3 and 4, 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 and by the Investigating Officer Insp./SHO Pramendra Singh PS Samaypur Badli

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 21.11.2008 according to Hindu Rites and Customs. Out of the said wedlock, one girl child, namely, Mishika Singh was born.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. year 2010. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties were referred to Mediation under the aegis of Delhi High Court Mediation and Conciliation Centre, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Agreement dated 30.09.2024, which is annexed as Annexure A-3 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 learned counsel for the parties submit that the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 23.12.2023.

10. It is a term of the settlement between the parties that petitioner no.1



shall pay a total sum of Rs.62 Lakhs 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.37 Lakhs 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. 25 Lakhs has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of following post dated cheques:

- (i) bearing No.447722 dated 31.03.2027 issued by Bank of Maharashtra of Rs. 10 Lakhs; and
- (ii) bearing No.447721 dated 31.03.2026 issued by Bank of Maharashtra of Rs. 15 Lakhs.

11. The respondent no.2, on a query posed by the Court, affirms the factum of settlement and acknowledges having received the part payment of Rs. 37 Lakhs, as well as, the balance payment of Rs. 25 Lakhs as mentioned above.

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.33/2018 under Sections 498A/406/377/342/354/506/323/34 IPC registered at Police Station Samaipur Badli, alongwith all other proceedings emanating therefrom, is quashed subject to realisation of aforesaid cheques.



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

VIKAS MAHAJAN, J

JANUARY 13, 2025
N.S. ASWAL