



2025:DHC:2809



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 22.04.2025

+ **CRL.M.C. 9341/2024**

VIVEK KUMAR & ANR.

.....Petitioners

Through: Mr. Ashish Sharma, Adv.
Petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Priyanka Dalal, APP for
the State with SI Pretam, ASI
Sunita, P.S.Mohan Garden.
Mr. Vineet Mudgal and Ms.
Sheepali Parial, Adv. for the
complainant with complainant
in person.

CORAM:-

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT (ORAL)

RAVINDER DUDEJA, J.

CRL.M.A. 35824/2024 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.



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CRL.M.C. 9341/2024

1. This is a petition under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 seeking quashing of FIR No. 0018/2023, dated 13.01.2023, registered at P.S Mohan Garden under sections 498/406/34 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.
2. The marriage between Petitioner No.1 and Respondent No.2 was solemnized on 27.02.2020 as per Hindu rites and ceremonies. No child was born out of the said wedlock. It is submitted that due to temperamental differences, the couple started living separately from 22.07.2022. Thereafter, the Respondent No.2 filed a petition under DV Act and a complaint which culminated into the aforesaid FIR against Petitioner No. 1 and his family members.
3. During the pendency of the proceedings, the parties have amicably settled their disputes/claims vide Settlement Deed dated 11.09.2024. In pursuance of the Settlement, the parties filed a fresh petition for divorce by mutual consent under section 13B of the Hindu Marriage Act, 1955 which was allowed by the Court of the Ld. Family Court, Dwarka Courts, Delhi on 28.10.2024 thereby dissolving the marriage between the Petitioner No.1 and Respondent No.2. It is submitted that all conditions of the Settlement Deed have been fulfilled including the payment of the total settlement amount of Rs. 9,00,000/- and Rs, 1,00,000/- additionally as the amount against the



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articles of the Respondent No.2 as per the schedule mentioned in the Settlement Deed dated 11.09.2024. The copy of Deed dated 11.09.2024 has been placed on record as Annexure P-4.

4. The Petitioners and the Respondent No.2 are physically present before the Court and they have been identified by their respective counsels as well as by the Investigating Officer ASI Sunita from P.S. Mohan Garden.

5. Respondent No.2 submits that the matter has been settled with the petitioners without any force, fear, coercion and she has received the payment of the entire settlement amount of Rs. 9,00,000/- and Rs. 1,00,000/- additionally as the amount against the articles of the Respondent No.2 as mentioned in the Settlement Deed dated 11.09.2024. She further submits that she has no objection if the FIR No. 0018/2023 is quashed against the petitioners.

6. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0018/2023 is quashed.

7. In *Gian Singh vs State of Punjab (2012) 10 SCC 303*, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings



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would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

8. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 0018/2023, dated 13.01.2023, registered at P.S Mohan Garden under sections 498/406/34 IPC and all the other consequential proceeding emanating therefrom.

9. In the interest of justice, the petition is allowed, and the FIR No. 0018/2023, dated 13.01.2023, registered at P.S Mohan Garden under sections 498/406/34 IPC and all the other consequential proceeding emanating therefrom are hereby quashed.

10. Petition is allowed and disposed of accordingly.

11. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J

APRIL 22, 2025/ib/ak