



\$~8

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

+ **CRL.M.C. 9576/2024**

KULDEEP KUMAR SHARMA AND ORS.Petitioners

Through: Mr. Rajesh Khari, Adv. for all
petitioners with all the petitioners.

versus

THE STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Pradeep Gahlot, APP for the
State.

SI Shajid Hussain, PS Malviya Nagar.

Mr. Ashraf Ali, Adv. for R-2 along
with R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **15.01.2025**

CRL.M.A. 36766/2024 (exemption)

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

CRL.M.C. 9576/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 1142/2014 under Sections 323/341/354B/498-A/406/509/34 IPC registered at P.S. Malviya Nagar, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

4. Issue notice. The learned APP appearing on behalf of the State and Mr. Ashraf Ali, the learned counsel appearing on behalf of the respondent no.2 accept notice. They submit that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, they have



no objection in case the FIR in question is quashed.

5. The petitioner no.1 (former husband), 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 i.e. SI Shajid Hussain, PS Malviya Nagar, New Delhi.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 05.05.2011 according to Hindu Rites and Customs. Out of the said wedlock, one male child, namely, Master Lakshay @ Varun Sharma was born.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 01.12.2014. The dispute between the parties also led to the registration of present FIR.

8. During pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Deed dated 03.11.2023, which is annexed as Annexure P-2 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 21.08.2024, which is annexed as Annexure P-3 to the present petition.

10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.39,25,000/- to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, dowry articles, permanent alimony, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs.20,00,000/- has already been paid by the



petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The amount of Rs.10,00,000/- has been paid in the form of FDR in the name of the child i.e. Master Lakshay @ Varun Sharma and the remaining amount of Rs.9,25,000/- has been paid to the respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.008065 dated 22.11.2024 issued by IDBI Bank, Malviya Nagar, New Delhi.

11. The receipt of entire amount of Rs.39,25,000/- 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. 1142/2014 under Sections 323/341/354B/498-A/406/509/34 IPC registered at P.S. Malviya Nagar, New Delhi 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 15, 2025/NG