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

+ **W.P.(CRL) 3944/2024 & CRL.M.A. 38056/2024**

SH GAURAV KUMAR VERMA & ORS.Petitioners

Through: Mr. Mahesh Kumar, Adv. along with
P-1, P-4 and P-6 in person
P-2, P-3 and P-5 (Through VC)

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Rahul Tyagi, ASC (CRL) with
Mr. Sangeet Sibou and Mr. Mathew
M. Philip, Adv.
SI Ranjana PS Subzi Mandi.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **03.02.2025**

1. This petition has been filed under Article 226 of Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) erstwhile Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C') seeking quashing of FIR No. 248/2022 dated 13.04.2022 for offences under Sections 498A/406/34 Indian Penal Code, 1860 ('IPC') registered at P.S. Subzi Mandi and proceedings emanating therefrom, in terms of the settlement recorded in writing in the Compromise Deed dated 08.05.2024.

2. Petitioner nos. 1, 4 and 6 are physically present in Court and are identified by the counsel for the Petitioners as well as by the Investigating Officer ('IO'). Petitioner nos. 2, 3 and 5 have joined the proceedings through



video conferencing and is identified by the learned counsel for the Petitioners as well as by the IO.

3. Respondent no. 2 is present in Court along with her mother Ms. Maya Devi and is identified by the IO.

4. Learned counsel for the Petitioners states that Petitioner No. 1 and Respondent no. 2 were married on 14.01.2021 and have been living separately since 28.08.2021. He states that there are no children from this wedlock.

5. He states that parties have entered into settlement recorded in writing under the aegis of Mediation Centre, Tis Hazari Courts, Delhi i.e., the Mediation Settlement dated 08.05.2024 and a decree for divorce by mutual consent dated 18.09.2024 has also been passed by the learned Judge, Family Court, Central District, Tis Hazari Courts, Delhi in HMA No. 1427/24.

6. Learned counsel for the Petitioner states that a sum of Rs. 1.70 lakhs was paid at the time of passing of first motion and another sum also of Rs. 1.70 lakhs paid at the time of passing of the second motion. He states that the balance amount of Rs. 1.90 lakhs by way of demand draft has been handed over to the Respondent no. 2 in Court today. He states that the entire payment as agreed to under the settlement has been paid over.

7. Learned ASC states that investigation is complete, however no charge-sheet has been filed in this petition.

8. This Court has considered the submissions of the parties and perused the record.

9. This Court has interacted with Respondent No. 2 and she as well confirms that all dues amounting to Rs. 5,30,000/- as per the Compromise Deed dated 08.05.2024 have been received by her and consequently, she



does not wish to pursue the captioned FIR anymore and has executed an affidavit recording her no-objection in support of the prayer sought in this petition.

10. 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. 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.

11. In view of the above, the FIR No. 248/2022 dated 13.04.2022 for offences under Sections 498-A/406/34 IPC registered at Police Station Subzi Mandi, for offences under Sections 498-A/406/34 of IPC and proceedings emanating therefrom are quashed.

12. Parties are bound down and shall abide by the terms of Compromise Deed dated 08.05.2024.

13. Pending application is disposed of as infructuous.

14. 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.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 3, 2025/hp/AKT