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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 10073/2024

SH. SHIV DUTT & ORS.

.....Petitioners

Through: Mr. Akash, Mr. Rajan, Ms. Akanksha
and Mr. Vikas Yadav, Advs.

versus

THE STATE GOVT NCT OF DELHI & ANR.Respondents

Through: Mr. Ajay Vikram Singh, APP for
State with SI Parminder Kumar, PS.
Aman Vihar.
Mr. R. Priya and Ms. Manisha, Advs.
for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

10.01.2025

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CRL.M.A. 38625/2024 (exemption)

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

CRL.M.C. 10073/2024

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.360/2009 under Sections 498A/406/34 IPC registered at Police Station Aman Vihar 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) and the petitioner nos. 2 to 7, who are close relatives of petitioner no.1, as well as, respondent no. 2 (former wife), are present in Court and they have been identified by their respective counsel, as well as, by the Investigating Officer SI Parminder Kumar, PS. Aman Vihar.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 08.05.2007 according to Hindu Rites and Customs. Out of the said wedlock girl child namely Akanksha was born who is presently in the care and custody of the respondent no.2.

7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 20.04.2008. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties had arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 26.03.2011, which is annexed as Annexure P-5 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 21.11.2011, which is annexed as Annexure P-6 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.3.50 lacs 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. in the manner as mentioned in the settlement. The entire amount of Rs. 3.50 lacs has been paid to the respondent no.2 today in the Court by the petitioner no.1, the receipt of which is acknowledged by the respondent no.2.

11. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

12. 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.

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

14. Consequently, the petition is allowed and the FIR No.360/2009 under Sections 498A/406/34 IPC registered at Police Station Aman Vihar alongwith all other proceedings emanating therefrom, is quashed.

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

16. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 10, 2025/dss