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

+ **CRL.M.C. 8568/2025**

**KAILASH CHAND KAUSHIK @KAILASH CHAND
KAUSHIK & ORS.**

.....Petitioners

Through: Mr. Manish Kumar, Advocate
alongwith petitioners in person

versus

THE STATE (GNCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Abhishek Singh
Mr. Trilok Chand and Ms. Parul,
Advocates for R-2 alongwith R-2 in
person

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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02.12.2025

CRL.M.A. 35811/2025 (exemption)

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

CRL.M.C. 8568/2025

3. By way of the present petition, the petitioners seek quashing of FIR bearing no. 304/2019, registered at Police Station Wazirabad, Delhi, for the commission of offence punishable under Sections 498A/406/34 of Indian Penal Code, 1860 (hereafter 'IPC') and its consequential proceedings.
4. The petitioners and respondent no. 2 are present before this Court and



have been identified by their counsels and concerned Investigating Officer (IO) from Police Station Wazirabad, Delhi.

5. Brief facts of the present case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 31.10.2017, as per Hindu rites and ceremonies. It is stated that one female child was born out of the said wedlock, who is presently in the custody of respondent no. 2. Due to temperamental differences, both the parties started residing separately since 25.10.2019. On the complaint of respondent no. 2, the present FIR was registered against the petitioners.

6. During pendency of the case, both the parties had amicably settled their disputes before Delhi Mediation Centre, Tis Hazari Courts, Delhi *vide* Memorandum of Understanding dated 26.10.2023 and had dissolved their marriage by way of mutual consent before the concerned Court.

7. The respondent no. 2 is present in person alongwith her counsel, who states that she has received an amount of Rs.7,00,000/- by way of Demand Draft bearing no. 007837 drawn on Axis Bank, which she was to receive at the time of quashing of the FIR.

8. This Court notes that the custody of minor child is with respondent no. 2 and the future right of the child will not be affected by virtue of this compromise.

9. On a query made by this Court, respondent no. 2, who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. Respondent no. 2 further states she has no objection if the present FIR is quashed.

10. The learned counsel appearing for the petitioner submits that the



affidavits showing the protection of interest of minor child, as per the judgment titled as ***Ganesh vs. Sudhirkumar Shrivastava: (2020) 20 SCC 787*** passed by the Hon'ble Supreme Court, have been filed and the same are on record.

11. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

12. Accordingly, FIR bearing no. 304/2019, registered at Police Station Wazirabad, Delhi, for the commission of offence punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.

13. In view of above, the present petition stands disposed of.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 02, 2025/ns

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