



\$~36

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

+ **CRL.M.C. 10087/2024**

MR. MADAN KUMAR @MONU & ANR.Petitioners

Through: Mr. Manish Kumar, Mr. Arun Kr. Bharti, Ms. Mariyam Nigar, Mr. Mohd. Anees, Mr. Kamal Singh and Mr. Praveen Chaudhary, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Aman Usman, APP for State with SI Sumit, PS. Rajouri Garden. Ms. Ravina and Mr. Dharmender Kumar, Advs. for R-2 along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

10.01.2025

%

CRL.M.A. 38700/2024 (exemption)

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

CRL.M.C. 10087/2024

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.409/2016 under Sections 498A/406/34 IPC registered at Police Station Rajouri Garden 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 no.2, who is the mother of the 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 Sumit, PS. Rajouri Garden.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 31.01.2014 according to Hindu Rites and Customs. Out of the said wedlock, one girl child namely Angel 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. 16.08.2015. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of the proceedings, the parties have referred to Counselling Cell attached to the Family Court, Tis Hazari where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Agreement dated 02.08.2024, which is annexed as Annexure P-3 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 19.10.2024, which is annexed as Annexure P-4 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.4 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. Out of the said amount, a sum of Rs. 2.60 lacs has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.1.40 lacs has been paid to the respondent no.2 today in the Court by the petitioner no.1 by way of Demand Draft bearing No.775692 dated 30.12.2024 issued by Punjab National Bank, 10, West Patel Nagar, New Delhi-110008.

11. The receipt of entire amount of Rs. 4 lacs is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put 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.409/2016 under Sections 498A/406/34 IPC registered at Police Station Rajouri Garden 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 10, 2025/dss