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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 10146/2024**
MAHESH KUMARPetitioner

Through: Ms.Aksa Thomas and Mr.Abhishek
Pandey, Advs. with petitioner in
person.

versus

STATE GOVT. OF NCT OF DLEHI AND ANR.Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Sandeep Rawat, PS
Govindpuri.
Mr.Vishal Tiwari, Adv. with R-2.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
20.01.2025

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1. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.184/2020 under Sections 406/498A/34 IPC registered at Police Station Govind Puri, and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. 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.
3. 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 and by the Investigating Officer SI Sandeep Rawat, PS



Govindpuri.

4. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 01.12.2018 according to Hindu Rites and Customs. Out of the said wedlock, one male child, namely, Master Jah was born.

5. On account of temperamental issues certain disputes arose between the parties and they started living separately since September, 2019. The dispute between the parties also led to the registration of present FIR.

6. During the pendency of the proceedings, the parties were referred to Counselling Cell, Family Courts, Saket (South East), Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 12.04.2023, which is annexed as Annexure A to the present petition.

7. 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 28.02.2024, which is annexed as Annexure B to the present petition.

8. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.15 lakhs 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. 10 lakhs has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. So far as the balance amount of Rs.5 lakhs is concerned, it was recorded in the settlement that the same shall be payable in the form of FD in the name of the



minor child. Learned counsel appearing for the parties submit that the term as regard the payment in the form of FDR has been modified. Both the parties have agreed that the petitioner will obtain a policy in the name of the minor child. Accordingly the policy has been obtained, copy of the same has been handed over in Court today and the same is taken on record.

9. The receipt of entire amount of Rs.15 lakhs is acknowledged by the respondent no.2, who is present in court. The respondent No.2 further states that the policy which has been provided by the petitioner in the name of the child will not be encashed prematurely and she will not press the same before the minor child attains the age of majority. The statement is taken on record.

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

11. 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.

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

13. Consequently, the petition is allowed and the FIR No.184/2020 under Sections 406/498A/34 IPC registered at Police Station Govind Puri alongwith all other proceedings emanating therefrom, is quashed.

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

15. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 20, 2025

VLD