



\$~28

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

+ **CRL.M.C. 10160/2024**

SUNIL KUMAR & ORS.

.....Petitioner

Through: Mr. Raj Kumar, Advocate

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Hitesh Wali, APP for the State
with SI Neha Tyagi, PS Harsh Vihar
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **04.03.2025**

Crl. M.A. 38992/2024 (exemption)

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

CRL.M.C. 10160/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 0145/2021 under Sections 498A/406/506/34 IPC registered at Police Station Harsh Vihar, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP appearing on behalf of 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) with petitioner nos. 2 and 3 who are father and mother of petitioner no. 1, as well as, respondent no.2 (former wife) are present in Court and they have been identified by the petitioners' counsel as well as by the Investigating Officer W/SI Neha Tyagi, Police Station Harsh Vihar, New Delhi.

6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 21.11.2008 and out of wedlock, two children, namely, Sarika, aged about 14 years and Ayush, aged about 8 years were born, who are in the care and custody of the petitioner no. 1.

7. On account of temperamental issues certain disputes arose between the parties and they have started living separately since 09.08.2020. The dispute between the parties also led to the registration of present FIR.

8. During the pendency of proceedings, the parties were referred to mediation at Delhi Mediation Centre, Karkardooma Courts, Delhi where they have arrived at a settlement, terms whereof were reduced in writing in the form of Mediation Settlement dated 03.07.2024, which is annexed as Annexure-P2 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 04.12.2024, which is annexed as Annexure P-3 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. 5,00,000/- 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 sum of Rs.5,00,000/-, respondent no. 2 has already received a sum of Rs.2,00,000/- and the remaining balance amount of Rs. 3,00,000/- has been paid to respondent no. 2 today in Court by way of Cheque bearing No.367523 dated 03.03.2025 for a sum of Rs. 3,00,000/- drawn on Canara Bank, New Delhi. The same is accepted by respondent no. 2.

11. The receipt of entire amount of Rs. 5,00,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query posed 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. 0145/2021 under Sections 498A/406/506/34 IPC registered at Police Station Harsh Vihar, New Delhi, alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

MARCH 4, 2025/‘rs’