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

+ CRL.M.C. 8685/2025

GAURAV KAPOOR AND ORS

.....Petitioners

Through: Mr. Gaurav Kapoor, Adv. (petitioner
no.1 in person)
P-2 and P-3 (through VC)

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for State
with W/SI Shiksha PS Dwarka South
W/SI Seema Distt. New Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **05.12.2025**

CRL.M.A. 36264/2025 (delay of 21 days in re-filing)

1. The present application has been filed seeking condonation of delay of 21 days in re-filing the petition.
2. For the reasons mentioned in the application, the same is condoned.
3. The application stands disposed of.

CRL.M.A. 36263/2025 (exemption)

4. Allowed, subject to all just exceptions.
5. Application stands disposed of.

CRL.M.C. 8685/2025 & CRL.M.A. 36262/2025 (stay)

6. The present petition has been filed under Section 528 of BNSS seeking quashing of FIR No. 394/2018, under Sections 498A/406/34 IPC registered at PS Dwarka South, Delhi.
7. Issue notice. Ms. Richa Dhawan, learned APP for the State accepts notice.



8. Petitioner no.1 (former husband), as well as, respondent no.2 (former wife) are present in Court whereas petitioner nos. 2 and 3, who are close relatives of petitioner no.1 has joined through VC. They have been identified by the learned counsel for the petitioner, as well as, by Investigating Officer W/SI Shiksha PS Dwarka South W/SI Seema Distt. New Delhi.

9. The brief facts of the case are that the marriage between petitioner no.1 and respondent no. 2 was solemnized on 30.04.2015 according to Hindu Rites and Customs. Out of the said wedlock, one male child namely, Svanik Prem Kapoor @ Svanik Prasad was born, who is in the care and custody of respondent no.2.

10. On account of temperamental issues, certain disputes arose between the parties and the respondent no.2 started living separately since 16.08.2016. The dispute also led to the registration of the present FIR.

11. During pendency of the proceedings the parties were referred to Delhi Mediation Centre, Dwarka Courts, New Delhi where the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Mediation Cell Agreement dated 23.10.2024, copy of which is annexed at page 97 to the present petition.

12. 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, first motion was allowed on 21.12.2024 and second motion was allowed on 15.05.2025.

13. In term of the settlement, the petitioner no.1 agreed to pay total sum of Rs.10,50,000/- 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 which an amount of Rs.4,00,000/- has been paid by the petitioner no.1 to respondent no.2 at the time of recording of statement of the parties in the first, as well as, second motion. Further, amount of Rs. 2,50,000/- is stated to have been paid by the petitioner no.1 in the name of the son of the parties. Balance amount of Rs.4,00,000/- has been paid today in the Court by way of demand draft bearing no. 145205 dated 02.12.2025 issued by Sector-5, Rohini, Delhi-110085.

9. The receipt of entire amount of Rs.10,50,000/- is acknowledged by respondent no.2, who is present in court.

10. Respondent no.2, on a query posed by the Court, states that she does not wish to prosecute criminal proceedings any further and 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. 394/2018, under Sections 498A/406/34 IPC registered at PS Dwarka South, Delhi 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

DECEMBER 5, 2025/N.S. ASWAL