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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 4020/2024 & CRL.M.A. 38755/2024**

RANJEET KUMAR & ORS.

.....Petitioners

Through: Mr. Kameshwar Mishra, Adv. with
Petitioners

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State
Mr. Rishi Kumar, Mr. Chandan
Prajapati and Mr. Vikrant Malwal,
Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **31.01.2025**

1. The present petition has been filed under Article 226 of Constitution of India read with section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of FIR No. 354/2024 dated 30.06.2024, registered at Police Station Prem Nagar, for offences under Sections 498-A/406/34 of the Indian Penal Code, 1860 (IPC) and proceedings emanating therefrom, in terms of the settlement recorded in writing in the Compromise Deed dated 05.08.2024.

2. Petitioner No. 1 and Petitioner no. 3 are present in Court and are identified by the learned counsel for the Petitioners and Investigating Officer ('IO'). Petitioner No. 2 has joined through video conferencing without unveiling the cam.

3. Respondent No. 2 is present in Court and is identified by the learned counsel for the said Respondent No.2 and the IO.



4. Learned counsel for the Petitioners states that Petitioner No. 1 and Respondent no. 2 were married on 26.02.2015 and have lived separately since April 2019.

4.1 He states that a son is born out of this wedlock, who is minor and is in Respondent No. 2's sole custody.

4.2 He states that parties have entered into settlement recorded in writing i.e., the Compromise Deed dated 05.08.2024.

4.3 He states that parties have thereafter withdrawn all proceeding against each other and in-fact a decree of divorce dated 23.09.2024 has also been passed dissolving their marriage in HMA No. 2506/2024.

4.4 He states that Petitioner No. 1 has undertaken to pay a sum of Rs. 5 Lakhs to Respondent No. 2 as alimony, out of which sum of Rs. 4 Lakhs already stand paid and demand draft of balance amount of Rs. 1 Lakh has been handed over to Respondent No. 2, during the course of hearing.

5. Learned counsel for the Respondent No. 2 confirms the aforesaid submissions and the receipt of payment as per the Compromise Deed dated 05.08.2024 including the demand draft of Rs. 1 lakh.

5.1 He states that Respondent No.2 has also executed an affidavit dated 18.12.2024 in support of this petition regarding her no objection to the prayer sought in this petition and the same forms part of the record.

6. Learned Standing Counsel for the State states that matter is still pending investigation and charge-sheet has not been filed.

7. This Court has considered the submissions of the parties and perused the record.

8. This Court has interacted with Respondent No. 2 and she as well confirms that all dues as per the Compromise Deed dated 05.08.2024 is



received by her and consequently, she does not wish to pursue the captioned FIR anymore.

9. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the Petitioners being remote and bleak, this Court is, therefore, of the view that there is no use continuing with proceedings of the present FIR as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

10. In view of the above, the FIR No. 354/2024 dated 30.06.2024, registered at Police Station Prem Nagar, for offences under Sections 498-A/406/34 of IPC and proceedings emanating therefrom are quashed.

11. Parties are bound down and shall abide by the terms of Compromise Deed dated 05.08.2024.

12. It is clarified that the aforesaid settlement between the parties and the passing of this order will not in any manner affect the maintenance rights of the minor child vis-à-vis Petitioner No. 1.

13. Pending application is disposed of as infructuous.

14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JANUARY 31, 2025/hp/sk