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

+ **W.P.(CRL) 4034/2024 & CRL.M.A. 38882/2024**

SH AJIT AND ORS & ORS.Petitioners

Through: **Mr. Vipin Mishra, Adv. along with all
nine Petitioners (Through VC)**

versus

STATE NCT OF DELHI AND ANR & ANR.Respondents

Through: **Mr. Sanjay Lao, Standing Counsel
(CRL) for State
SI Madhu PS Mandir Marg, NDD
Mr. Samrat Jasra, Adv. for R-2 along
with R-2 (Through VC)**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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04.02.2025

1. This petition has been filed under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) to seek quashing of FIR No.0048/2023 dated 25.04.2023 registered at Police Station (P.S) Mandir Marg, Delhi for offences under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') against the Petitioners, as well as proceedings arising therefrom, in terms of the settlement dated 16.12.2023 recorded in writing which is on record of this Court. The said FIR was registered on a complaint filed by Respondent No. 2.

2. Petitioner nos. 1 to 9 have joined the proceedings through video conferencing and are identified by the learned counsel for the Petitioners and



Investigating Officer ('IO').

3. Learned counsel for Respondent no. 2 has joined the proceedings through video conferencing duly accompanied by learned counsel for the Respondent no. 2 and is identified by the IO, who is present in Court.

4. Learned counsel for the Petitioners states that Petitioner no. 1 and Respondent no. 2 were married on 14.03.2021 and the disputes, which are the subject matter of FIR in question pertains to the said matrimonial relationship. He states that parties have amicably resolve their dispute vide settlement dated 16.12.2023. He states that no children were born out of this wedlock.

5. He states that Petitioner no. 1 and Respondent no. 2 have also obtained a decree of divorce dissolving their marriage in HMA No. 703/2024 by mutual consent dated 23.07.2024. He states that Petitioner no. 1 has undertaken to pay Respondent no. 2 a sum of Rs. 3.50 lakhs as full and final settlement of all her claims for alimony. He states that Rs. 2.5 lakhs was paid to the Petitioner during divorce proceedings. He further states that remaining amount of Rs. 1 lakh has been paid over today by way of a demand draft.

6. Learned counsel for the Respondent no. 2 confirms the submissions of the learned counsel for the Petitioners and also confirms the receipt of the demand draft. He states that an entire amount of Rs. 3.50 lakhs stands received.

7. Learned ASC for the Respondent No. 1-State submits that investigation is complete however no charge-sheet has been filed in this petition.

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



9. This Court has interacted with the Respondent no. 2 and she has confirmed the execution of settlement dated 16.12.2023 and states that she has executed an affidavit recording her no objection in support of this petition. She states that she is also joining request for quashing of FIR in question.

10. 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.

11. In view of the above, the FIR No.0048/2023 dated 25.04.2023 registered at Police Station (P.S) Mandir Marg for offences under Sections 498-A/406/34 of the IPC and proceedings emanating therefrom are quashed.

12. Parties are bound down and shall abide by the terms of Compromise Deed dated 16.12.2023.

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

FEBRUARY 4, 2025/hp/ms