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

+ **CRL.M.C. 18/2025**

ANTHONY GOMES & ORS.

.....Petitioners

Through: Mr. Neeraj Anand & Ms. Neha
Dhillon, Advocates.

P-1 & 2 in person. P-3 through VC.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State.

R-2 in person.

ASI Sunita, PS CAW Cell Nanak
Pura, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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07.01.2025

CRL.M.A. 91/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The Application is disposed of.

CRL.M.C. 18/2025

1. The present Petition under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioners seeking to quash the FIR No. 57/2017 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Crime (Women) Cell Nanak



Pura, Delhi.

2. Brief facts of the case are that the marriage was solemnized between Petitioner No. 1 and Respondent No. 2 on 19.12.2009 according to Christian rites and ceremonies and no child was born from the said wedlock.

3. It is further submitted that on the complaint of Respondent No. 2, an FIR bearing No. 57/2017 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Crime (Women) Cell Nanak Pura, Delhi and also the Chargesheet has been filed in the said FIR, which is pending before the learned Trial Court Delhi.

4. It is also submitted that during the pendency of the litigation, the parties have settled all the disputes and differences between them *vide* Settlement Agreement dated 17.12.2024 which *inter alia* states that: -

- (i) That the Petitioner No. 1 shall file the quashing Petition for quashing of Fir No. 57/2017 and the Respondent No. 2/wife shall cooperate in getting the FIR quashed,
- (ii) That the Petitioner No. 1 shall pay a total sum of Rs. 3,00,000/- to the Respondent No. 2/wife towards full and final settlement of all her claims, present, past and future at the time of quashing of FIR,
- (iii) That the Respondent No. 2/wife has agreed to withdraw the Maintenance Petition, Execution Petition and the Domestic Violence Complaint pending before the learned Trial Court after quashing of the FIR and receipt of the settlement amount,
- (iv) That the parties shall remain bound by the terms of the settlement.

5. It is also stated that the marriage between the Petitioner No. 1 and the Respondent No. 2/wife has been dissolved on the grounds of cruelty and



desertion *vide* Decree of Divorce dated 22.03.2023 under Section 10(1)(ix) and (x) of the Indian Divorce Act, 1869.

6. In view of the Settlement Agreement dated 17.12.2024, the present Petition has been filed.

7. The Petitioner Nos. 1 and 2 and the Respondent No. 2/wife are present in person in the Court today, whereas the Petitioner No. 3 is appearing through video conferencing and they have been identified by their counsel and Investigating Officer concerned.

8. Today, the Petitioner No. 1 has paid the settlement amount of Rs. 3,00,000/- to the Respondent No. 2/wife *vide* Demand Drafts No. 553957 and 553868, both dated 29.11.2024 in the sum of Rs. 2,00,000/- and Rs. 1,00,000/- respectively, made in favour of Respondent No. 2-Jyoti, drawn on Punjab National Bank, Lodhi Road, Delhi and the same has been accepted by her.

9. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 17.12.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

10. The present Petition has been signed by the Petitioners and is supported by their affidavits as well as affidavit of Respondent No. 2. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between them without any pressure and coercion.

11. Today, the Complainant/Respondent No. 2/wife, who is present in person in the Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

12. In view of the above facts that the parties have amicably resolved



their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

13. Moreover, there is no legal impediment in quashing the FIR in question.

14. Accordingly, FIR bearing No. 57/2017 registered at Police Station Crime (Women) Cell, Nanak Pura, Delhi, for offences punishable under Sections 498A/406/34 of IPC, 1860 along with the Chargesheet and all consequential proceedings emanating therefrom are quashed.

15. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 7, 2025

S.Sharma