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

+ **CRL.M.C. 49/2025**

VIKAS KUMAR & ORS.

.....Petitioners

Through: Mr. Sunny & Ms. Tanya Singh,
Advocates with Petitioners in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
State.

Mr. Ikrar Hussain, Advocate for R-2
through VC.

Respondent No. 2/Complainant
through VC.

S.I. Mahesh Yadav, PS Defence
Colony, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.01.2025

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1. The present Petition under Section 482 of the Code of Civil Procedure, 1973 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioners for quashing of the FIR No. 142/2021 registered under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Defence Colony, Delhi.

2. ***Brief facts of the case*** are that the marriage was solemnized between Petitioner No. 1 and Respondent No. 2 on 10.12.2018 according to Hindu rites and ceremonies and no child was born from the said wedlock.



3. On the complaint of Respondent No. 2 in CAW Cell, an FIR bearing No. 142/2021 under Sections 498A/406/34 of the IPC, 1860 got registered at Police Station Defence Colony, Delhi and also the Chargesheet has been filed in the said FIR, which is pending trial before the learned Trial Court Delhi.

4. It is also submitted that during the pendency of the litigation, the Petitioners and the Respondent No. 2 have settled all the disputes and differences between them in Mediation Centre, Saket Courts, Delhi *vide* Settlement Agreement dated 19.07.2023 which *inter alia* states that: -

(i) That the Respondent No. 2/wife and the Petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent under Sections 13(B)(1) and 13(B)(2) of Hindu Marriage Act, 1955,

(ii) That the Petitioner No. 1 shall pay a total sum of Rs. 40,000/- along with all the jewellery items and dowry articles as per admitted list annexed with the Settlement to the Respondent No. 2/wife towards full and final settlement of all her claims, present, past and future, including *Stridhan*.

(iii) That all the items and articles mentioned in Annexure-A to the Settlement shall be handed over by the Petitioner No. 1 to the Respondent No. 2/wife at the time of recording of Statement of First Motion Petition under Section 13(B)(1) of Hindu Marriage Act, 1955,

(iv) That Rs. 40,000/- shall be paid by the Petitioner No. 1 to the Respondent No. 2/wife at the time of recording of Statement of Second Motion Petition under Section 13(B)(2) of Hindu Marriage Act, 1955,



- (v) That the parties shall file the Quashing Petition before this Court for quashing of FIR and the Respondent No. 2 shall co-operate the Petitioners in getting the FIR quashed,
- (vi) That if the Respondent No. 2 commits breach of the terms of the settlement, the amount of Rs. 40,000/- taken by her, shall be returned to the Petitioner No. 1 with interest @ 12% per annum,
- (vii) 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 *vide* Decree of Divorce dated 19.03.2024.
6. In view of the Settlement Agreement dated 19.07.2023, the present Petition has been filed.
7. The Petitioners are present in person in the Court today, whereas the Respondent No. 2/wife is appearing through video conferencing and they have been identified by their counsel and Investigating Officer concerned.
8. It is further submitted that the settlement amount of Rs. 40,000/- has been paid to the Respondent No. 2 by the Petitioner No. 1.
9. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 19.07.2023 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. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.
11. Today, the Complainant/Respondent No. 2/wife, who is present



through video conferencing, 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 a statement to this effect recorded *vide* Order dated 13.01.2025 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. 142/2021 registered at Police Station Defence Colony, 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 16, 2025

S.Sharma