



2025:DHC:5255



\$~58

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

Date of Decision: 03.07.2025

+ CRL. M.C. 555/2025

PAWAN KUMAR & ORS.

.....Petitioners

Through: Mr. Vikas Nagwan, Mr. Mani
Rajvanshy and Ms. Tripta
Chaudhary, Advocates

versus

STATE GNCT OF DELHI & ANR.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP
for State with SI Mahabir
Prasad, PS EOW
Mr. Rajan Kashyap and Mr.
Sandeep Kumar, Advocates
with Complainant in person.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

CRL.M.A. 2653/2025, CRL.M.A. 2654/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CRL.M.C. 555/2025, CRL.M.A. 2652/2025

3. By way of the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners seek the quashing of FIR bearing No. 254/2018 ("subject FIR") dated



2025:DHC:5255



23.05.2018 for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ("IPC") registered at Police Station Dabri, and all consequential proceedings emanating therefrom.

4. The learned counsels for the parties submit that the petitioner no. 1 is the husband of respondent no. 2 and their marriage was solemnized on 22.02.2016, in accordance with the Hindu rites and customs at Delhi, and a girl child was born on 13.11.2016 out of the said wedlock. It is submitted that due to irreconcilable and temperamental differences, the marriage of the petitioner no. 1 and respondent no. 2 suffered an irretrievable breakdown and the parties have been residing separately since 18.09.2017. He submits that the incompatible behavior of the parties, conduct and temperament, coupled with increasing harassment and raising demands of dowry led to the registration of the subject FIR.

5. He further submits that with the intervention of the family members, relatives, and mutual acquaintances, the parties have arrived at an amicable and voluntary resolution of their disputes and that no further dispute subsists in relation thereto and the divorce by way of mutual consent has also taken place between the parties *vide* the divorce decree dated 29.11.2024 passed by the learned Judge Family Court, Dist. South West, Dwarka Courts, Delhi.

6. The present petition is premised on the aforesaid assertion that the dispute *inter se* the parties stand amicably resolved, of their own volition, uninfluenced by any coercion, compulsion or undue inducement. In furtherance thereof, a Memorandum of



2025:DHC:5255



Understanding (MoU) dated 07.10.2024 had been duly executed between the parties.

7. In furtherance thereof, the parties agreed that the petitioner no.1 will pay a consolidated sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to respondent no. 2 towards full and final settlement of all claims arising out of the present marriage which shall include permanent alimony, maintenance (past, present & future), *stridhan* and all other miscellaneous expenses. Respondent No.2 agreed to withdraw all the cases upon the payment of settlement amount. It was further agreed between the parties that the child would remain in care and custody of respondent no. 2 and the petitioner no.1 shall have no visitation rights to meet the daughter. The said MoU outlining the terms of settlement has been placed on record.

8. In pursuance of the said MoU, the parties moved Mutual Divorce petition under Sections 13B(1) and 13B(2) of the Hindu Marriage Act before the learned Judge, Family Courts, South-West Dwarka, New Delhi, which came to be allowed on 29.11.2024 and no appeal is stated to have been filed against the divorce decree. It is categorically stated by the parties that all the terms of the Settlement have been complied with. No litigation is pending between the parties and respondent no. 2 has received the entire Settlement amount from the petitioner no. 1.

9. Pursuant to this settlement, the Statement of the parties have been recorded by the learned Joint Registrar (Judicial) on 27.05.2025, and both the parties were duly identified by the Investigating Officer



2025:DHC:5255



and their respective counsels. The respondent no.2, in her statement before the Joint Registrar (Judicial), has stated that she has no objection if the subject FIR and all the proceedings emanating therefrom are quashed.

10. Before this Court, the Investigating Officer has again identified the parties and has confirmed that they are abiding by the terms of the Settlement.

11. The complainant/respondent no. 2, who is present before this Court, upon being queried, confirms that the MoU dated 07.10.2024 has been entered into by the parties out of their own volition, uninfluenced by any coercion, compulsion or undue inducement and that as per the MoU, a decree of divorce by mutual consent has been obtained by the parties. She further confirms that, in full and final settlement of all her claims, towards maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she has received the payments *vide* demand drafts in compliance of the MoU. She states that, as per the MoU, the child would remain in her care and custody and that the petitioner no.1 shall have no visitation rights to meet her daughter. The respondent no. 2 also confirms that the marriage has been dissolved *vide* the divorce decree dated 29.11.2024, and that she has received all the installments. Furthermore, she has no objection to the quashing of the subject FIR, and all consequential proceedings arising therefrom are quashed.

12. In view of the foregoing, the learned counsel appearing on behalf of the parties, jointly prayed for quashing of the subject FIR.



2025:DHC:5255



13. The learned APP, appearing on behalf of the state, submits that the State has no objection if the subject FIR and all consequential proceedings arising therefrom are quashed.

14. In view of these circumstances, and having regard to the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.***: (2012) 10 SCC 303 and also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.***: (2014) 6 SCC 466, and in view of the fact that the parties have amicably resolved their disputes voluntarily and without any coercion, this Court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. In light of the MoU between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be a futile exercise and would not be conducive to peace and harmony between the parties. Accordingly, in the interest of justice, the subject FIR and all proceedings emanating therefrom deserve to be quashed.

15. In conspectus of the above facts and the MoU dated 07.10.2024, the subject FIR bearing No. 254/2018 dated 23.05.2018 for offences punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 registered at Police Station Dabri, and all consequential proceedings emanating therefrom, are hereby quashed.

16. Accordingly, the petition, along with the pending applications, stands disposed of.

SHALINDER KAUR, J

JULY 3, 2025/sv/HNR

Click here to check corrigendum, if any