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

+ CRL.M.C. 5698/2023

AJIT AND ORS.

..... Petitioners

Through: Mr. Saurabh Sharma, Mr. Khushall Aggarwal and Ms. Harshita Nigam, Advs.

versus

STATE AND ANR.

..... Respondents

Through: Ms. Richa Dhawan, APP with SI Rakesh PS Sagar Pur
Mr. Ajay Kumar Chopra and Mr. Prakash Kumar Jha, Advs. for R2

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER

% **03.10.2023**

CRL.M.A. 21450/2023 (exemption)

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

CRL.M.C. 5698/2023 & CRL.M.A. 21451/2023

1. The present petition has been filed seeking quashing of FIR No. 426/2018 under Sections 498-A/406/34 IPC registered at P.S. Sagarupr, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



3. The petitioner no. 1 (former husband), the petitioner nos. 2 and 3, who are parents of petitioner no. 1, as well as, respondent no. 2 (former wife) are present in Court and they have been identified by their respective counsels and by IO SI Rakesh PS Sagar Pur.

4. The brief facts of the case are that the marriage between the petitioner no. 1 and respondent no. 2 was solemnized on 05.12.2012 according to Hindu rites and customs. Out of the said wedlock one male child namely Garvit Singh was born on 23.04.2014, who is in the care and custody of respondent no. 2.

5. On account of temperamental issues, certain disputes arose between the parties and they started living separately w.e.f. 09.10.2018. The dispute between the parties also led to the registration of present FIR.

6. During the pendency of the proceedings the parties were referred to Counselling Cell attached to the Principal Judge Family Court, New Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of settlement report dated 02.11.2022, copy of which is annexed as Annexure P-3 to the present petition.

7. In terms of the said settlement, the petitioner no. 1 and the respondent no. 2 decided to dissolve their marriage by filing a joint petition seeking divorce by way of mutual consent. Accordingly, the parties have obtained a decree of divorce dated 11.05.2023.

8. It is also a term of the settlement between the parties that the petitioner no.1 will pay a total sum of Rs.5,00,000/- to the respondent no. 2 towards full and final settlement of all her claims on account of maintenance (past, present and future), permanent alimony, *stree dhan* and dowry articles. Out of the said amount a sum of Rs.3,50,000/- has already been paid



in the manner mentioned in the settlement agreement. The balance amount of Rs. 1,50,000 has also been paid by way of demand draft bearing No. 531962 dated 18.09.2023 issued by State Bank of India, Metro Pillar 769 Rama Park in favour of Sapna / respondent no. 2.

9. The respondent no.2, who is present in court, acknowledges having received the entire settlement amount of Rs. 5,00,000/-.

10. On a query put by this Court, the respondent no.2 states that she has no objection in case the FIR is quashed.

11. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

12. It is thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom, be quashed.

13. Consequently, the petition is allowed and the FIR No. 426/2018 under Sections 498-A/406/34 IPC registered at P.S. Sagarupr, New Delhi and all consequential proceedings emanating therefrom, is quashed.

14. The petition stands disposed of in the above terms.

15. Order be uploaded on the website of this court

VIKAS MAHAJAN, J

OCTOBER 3, 2023

N.S. ASWAL