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

[REDACTED]

..... Petitioners

Through: Mr.Dhruv Diwedi, Advocate with
petitioners.

[REDACTED]

..... Respondents

Through: Mr.Mukesh Kr, APP for the State
with SI Komal, PS Jagatpuri.
Mr.Rohit Goel, Mr.Amit Goel, and
Mr.Mithlesh Jha, Advocates for R2
with R2/ complainant in person.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

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1. Petitioners file this petition for quashing of the FIR No.408/2016 under Section 406/498A/506/376/34 Indian Penal Code registered at police station Jagatpuri, Delhi against them and the proceedings emanating therefrom.

2. Essentially, in the matrimonial lis between the petitioner No.1 and respondent No.2, Section 376 IPC was inflicted upon the petitioner No.2/father of petitioner No.1. The marriage between the petitioner No.1 and complainant/ respondent No.2 was solemnized on 25.07.2015 according to Hindu rites and ceremonies at Delhi. No child is born from this wedlock. However, due to matrimonial discord, the couple started living separately from each other since 01.05.2016 and on the complaint of respondent No.2 aforesaid FIR was registered against the petitioners. During the pendency of proceedings, the couple settled the matter *per* memorandum of understanding dated 03.11.2022. Pursuant to settlement, the petitioner No.1

agreed to pay Rs.5.00 Lacs to respondent No.2 towards all her claims of alimony, maintenance – past, present and future, *stridhan*, and dowry articles etc. The first motion proceedings of mutual divorce have since been completed.

3. Out of said sum, the petitioner No.1 has already paid Rs.2.00 Lacs to respondent No.2 and as part amount, the petitioner No.1 has handed over draft No.003786 dated 12.04.2023 drawn on Bank of Baroda for Rs.2.00 Lacs in favour of respondent No.2, which has been accepted by her. The balance amount of Rs.1.00 lace shall be paid to her at the time of second motion proceedings.

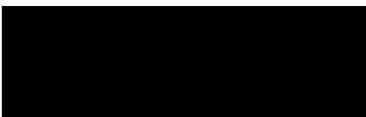
4. The complainant/respondent No.2 has been duly identified by the Investigating Officer, states owing to misunderstanding the allegations under Section 376 IPC were inflicted upon her father-in-law. However, the misunderstanding has since been cleared and entire matter has been settled with the petitioners having left with no claim against them and she has no objection if the FIR is quashed. The learned APP for the State has also no objection, if this petition is allowed. The affidavits of parties are on record.

5. It is seen serious offence under Section 376 IPC are being pressed during investigation of the cases by the complainants in a matrimonial lis and even the family members of husband are being roped in thereby putting the entire family to malign. But subsequently, with the settlement of matrimonial disputes, the charges under Section 376 IPC are being settled. These acts of complainants need to be curbed so that in future one will think sensibly before involving the family members of husband in serious offence under Section 376 IPC beside the matrimonial dispute. The complainant of this case needs to be put to some terms.

6. In *Gaurav and Others vs State and Another* CrI.M.C.No.2212/2021 decided on 21.07.2022, the FIR involving Section 376 IPC in a matrimonial dispute primarily against younger brother of husband of complainant therein was quashed.

7. Considering the above settlement between the parties, there is no impediment in quashing of the FIR as complainant has settled all the disputes and has received part settled amount from the petitioners. The balance amount of Rs.1.00 lac shall be paid to respondent No.2 at the time of second motion proceedings. In view of the above, there is no use to continue with the proceedings against petitioners as it would never entail in conviction of petitioners.

8. Accordingly, the petition is allowed. Consequently, FIR No.408/2016 under Section 406/498A/506/376/34 Indian Penal Code registered at police station Jagatpuri, Delhi and the proceedings emanating therefrom are quashed, subject to deposit of Rs.10,000/- by respondent No.2/complainant with *Rohini District Courts Bar Association* within two weeks from today and copy of such deposit shall be submitted with the Investigating Officer / SHO concerned, who shall in turn file it before the learned Trial Court. Pending application, if any, also stands disposed of.



YOGESH KHANNA, J.