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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3675/2023**



..... Petitioners

Through: Mr. Sudershani Alag, Mr. Atul Chopra and Ms. D. Mittal, Advs. along with petitioners in person.

versus

STATE GOVT OF NCT OF DELHI & ANR. Respondents

Through: Ms. Priyanka Dalal, APP for State with ASI Sunita, PS. Nanakpura. Mr. Mohit Chugh, Adv. along with R-2 in person and Mr. Umesh Mehta, Father of R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **22.05.2023**

CRL.M.A. 13904/2023(exemption)

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

CRL.M.C. 3675/2023

3. The present petition has been filed under Section 482 CrPC by the petitioners seeking quashing of FIR No.37/2017 under Sections 498A/406/506/34 and charge sheet was filed Case No.6684/2019 registered at Police Station Crime (Women) Cell, Nanak Pura, Delhi, on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. She submits that since the present FIR is an outcome of a matrimonial dispute and the parties have already compromised and resolved their differences, the State has no objection in case the FIR in question is quashed.

5. The petitioner no.1 (former husband) and the petitioner no.2 (mother of petitioner no.1) and the respondent no.2 (former wife), who are present in court and they have been identified by their respective counsels, as well as, by the Investigating Officer (I.O) ASI Sunita, PS. Nanak Pura.

6. The brief facts of the case are that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 04.12.2015, as per Hindu Rites and Customs at Zirakpur, Punjab. The parties lived and cohabitated together as husband and wife at Gurugram and no child was borne out from the said wedlock. On account of incompatibility and irreconcilable differences between the parties, certain disputes and differences arose between them which led to the registration of the aforesaid FIR and the parties started living separately with effect from 01.03.2016.

7. During the pendency of the proceedings, the parties settled their disputes and the terms of the compromise were reduced into writing in the form of Settlement Agreement dated 01.12.2022.

8. In terms of the said settlement, marriage between the parties was dissolved by a decree of divorce by mutual consent on 10.04.2023. Further, it was agreed that respondent no.2 shall pay an amount of Rs.12 lacs towards all claims of the petitioner no.1.

9. Out of the said amount, an amount of Rs.6 lacs was paid by the respondent no.2 to the petitioner no.1 at the time of recording of the statement of the first motion on 06.01.2023 and the remaining amount of Rs. 6 lacs was paid at the time of recording of the statement of the second motion, the receipt of which is acknowledged by the petitioner no.1.

10. The respondent no.2, who is present in court, states that she has no objection in case the present FIR is quashed.

11. In view of the fact that the parties have amicably resolved their dispute out of their free will and without any coercion, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

12. On a query made by the court, the respondent no.2 also states that she has entered into compromise out of her own free will and without any pressure, coercion or threat.

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

14. There is no legal impediment in quashing the present FIR in question.

15. Consequently, the petition is allowed and the FIR No.37/2017 under Sections 498A/406/506/34 and the charge sheet which was filed in Case No.6684/2019 registered at Police Station Crime (Women) Cell, Nanak Pura, are quashed along with all other consequential proceedings emanating there from.

16. The petition stands disposed of.

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 22, 2023/dss