

(2022) 08 DEL CK 0178

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 2080 Of 2022, Criminal
Miscellaneous Application No. 8812 Of 2022

Jitender Kumar & Ors

APPELLANT

Vs

State Of Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 26-08-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A

Citation : (2022) 08 DEL CK 0178

Hon'ble Judges : Yogesh Khanna, J

Bench : Single Bench

Advocate : Banke Bihari, Manoj, Kapil Kaushik, Sunil Kumar Gautam

Final Decision : Allowed

Judgement

ayank Kumar Jain J.

1. Petitioners file this petition for quashing of the FIR No.651/2016 under Section 406/498A/34 Indian Penal Code registered at police station Aman Vihar against them and the proceedings emanating therefrom.

2. The marriage between the petitioner No.1 and complainant/ respondent No.2 was solemnized on 10.05.2014 according to Hindu rites and ceremonies at Delhi. However, due to matrimonial discord, the couple could not live together since 12.12.2015 and on the complaint of respondent No.2 aforesaid FIR was registered against the petitioners. During the pendency of proceedings, the parties have settled the matter per settlement agreement dated 26.10.2017 arrived at before the Mediation Centre, Rohini Courts, Delhi. The parties have also obtained divorce by mutual consent. The petitioner No.1 has agreed to make the payment of Rs.4.20 Lacs to respondent No.2 towards all her claim of alimony, maintenance – past, present and future, stridhan, and dowry articles etc. Out of said sum, the petitioner No.1 has already paid Rs.2.80 Lacs to respondent No.2 and for the balance amount, the petitioner No.1 has handed over draft

No.004611 dated 23.08.2022 drawn on Axis Bank for Rs.1.40 Lacs in favour of respondent No.2, which has been accepted by her.

3. The complainant/respondent No.2 has been duly identified by the Investigating Officer, states the matter has been settled with the petitioners 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.

4. 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 the settled amount from the petitioners. 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.

5. Accordingly, the petition is allowed. Consequently, FIR No.651/2016 under Section 406/498A/34 Indian Penal Code registered at police station Aman Vihar and the proceedings emanating therefrom are quashed. Pending application, if any, also stands disposed of. No order as to costs. Order dasti.