

# Hemant Kumar And Ors vs State (Govt Of Nct, Delhi) And Anr on 11 May, 2022

**Author: Anoop Kumar Mendiratta**

**Bench: Anoop Kumar Mendiratta**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 1377/2022

HEMANT KUMAR AND ORS

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Through: Petitioners with their counsel M  
Sanju Gupta and Mr. Manish Prata  
Chauhan, Advocates.

versus

STATE (GOVT OF NCT, DELHI) AND ANR

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Through: Mr.K.K. Ghei, APP for th  
along with SI Bhagwati P  
R-2 with her counsel Ms.  
Advocate.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% 11.05.2022 Allowed, subject to all just exceptions.

The application is accordingly disposed of.

1. This is a petition under Section 482 Cr.PC for quashing of FIR No.0460/2018 under Sections 498-A/406/34 IPC registered at Police Station Nangloi and the proceedings pending before the Court of Ms. Tania Singh, learned MM, Mahila Courts, West District Tis Hazari Court.

2. Issue notice. Learned APP for the State appears on advance notice served upon the State and accepts notice. Ms. Babita, Advocate appears for respondent No. 2 on advance notice and accepts notice.

3. In brief, the marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies at Delhi on 05.02.2016. On the basis of the complaint filed by respondent No. 2, FIR No.0460/2018 under Sections 498-A/406/34 IPC was registered at Police Station Nangloi, which is presently pending trial before the Court of Ms. Tanya Singh, learned MM, Mahila Courts, West District Tis Hazari Court.

4. During the pendency of the proceedings, the matter is stated to have been amicably settled between petitioner No. 1 and respondent No. 2 before the Mediation Center vide settlement deed dated 22.01.2021. The marriage between the parties is further stated to have been dissolved by decree of divorce by way of mutual consent under Section 13 B of Hindu Marriage Act vide order dated 17.11.2021 passed by Ms. Illa Rawat, learned Principal Judge, West District, Tis Hazari. Respondent No. 2 is further stated to have withdrawn the complaint under Section 12 of Protection of Women from Domestic Violence Act and petitioner No. 1 has withdrawn the divorce proceedings under Section 13(1)(ia) of Hindu Marriage Act, 1955.

5. Learned counsel for the petitioners submits that balance amount of Rs.2,50,000/- is being paid by way of demand draft No.339769 dated 20.04.2022 in favour of respondent No. 2 towards the full and final settlement between the parties.

6. The petitioners as well as respondent No. 2 are present in person in Court today and have been identified by the Investigating Officer of the case.

I have interacted with the parties and they confirm having settled their disputes amicably. Respondent No. 2 submits that the settlement has been arrived at without any threat, pressure or coercion. Nothing remains to be further adjudicated between the parties. She has no objection in case the FIR in question is quashed.

7. Learned APP for the State submits that since the matter has been settled between the parties, the State has no objection in case the FIR in question is quashed.

8. Considering the facts and circumstances, since the matter has been amicably settled between the petitioners and respondent No.2, no useful purpose will be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, the petition is allowed and FIR No.0460/2018 under Sections 498-A/406/34 IPC registered at Police Station Nangloi and all the proceedings emanating therefrom stand quashed.

The petition is accordingly disposed of.

A copy of this order be forwarded to the Court of Ms. Tania Singh, learned MM, Mahila Courts, West District Tis Hazari Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J MAY 11, 2022/A