

Dinesh Kumar & Ors vs State & Anr on 23 May, 2023

Author: Rajnish Bhatnagar

Bench: Rajnish Bhatnagar

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 1590/2016
DINESH KUMAR & ORS

STATE & ANR

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR
ORDER

% 23.05.2023

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No.7/2012, under Sections 498A/406/34 IPC, registered at Police Station Model Town, Delhi, and all proceedings emanating therefrom.

2. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 27.04.2009 according to Hindu rites and ceremonies and they lived together as husband and wife with each other. One male child was born out of the said wedlock. Thereafter, the disputes and differences arose between them and they started living separately since 31.10.2011. On 06.01.2012, the respondent No.2 got the above said FIR registered against the petitioners.

3. Learned counsel for the petitioners submits that during the pendency This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 25/09/2023 at 00:24:59 of the trial, the parties have settled the matter amicably in terms of the Settlement dated 11.08.2015 before the trial court where the proceedings of the aforesaid FIR as well as DV Act were going on. Copy of the said settlement is placed on record. Accordingly, the petition under Section 13B (2) of the HMA was allowed and the marriage of the petitioner No.1 and respondent No.2 was dissolved

vide decree dated 12.04.2016 passed by the Principal Judge, Family Courts, Rohini, Delhi. The copy of the decree is already on record.

4. Petitioners and respondent no.2 are present in Court today and they have been identified by the IO. I have interacted with the parties and they submit that they have settled their disputes. Respondent No.2 admits that she has settled the matter amicably with the petitioners and she has no objection if the present FIR is quashed prior to the quashing of the FIR No.51/2012 PS. Kavi Nagar, Ghaziabad, UP under Sections 352/380/323/34 Indian Penal Code, 1860, which is pending for quashing before the High Court of Allahabad. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. As per settlement, today, a demand draft of Rs. 1,25,000/- (bearing no. 855720 dated 22.05.2023 drawn on Canara Bank.) has been handed over to respondent no.2. Respondent No.2 submits that nothing remains to be adjudicated further between them and she has no objection if the FIR in question is quashed.

5. Learned APP for the State submits that in view of the settlement, the State has no objection if the FIR in question be quashed.

6. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be This is a digitally signed order.

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7. The present petition stands disposed of accordingly.

RAJNISH BHATNAGAR, J MAY 23, 2023/ib This is a digitally signed order.

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