

# Mukesh Kumar & Ors vs State (Govt Of Nct Of Delhi) & Anr on 1 September, 2023

**Author: Tushar Rao Gedela**

**Bench: Tushar Rao Gedela**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
CRL.M.C. 2213/2023  
MUKESH KUMAR & ORS

STATE (GOVT OF NCT OF DELHI) & ANR

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% 01.09.2023 [The proceeding has been conducted through Hybrid mode]

1. This is a petition under Section 482 Cr.P.C., 1973 seeking quashing of FIR No. 65/2019 dated 26.04.2019 under Sections 498A/406/34 IPC, 1860 registered at Police Station Jaffarpur Kalan on the basis of settlement dated 17.09.2021 between the parties.

2. The certified copy of the settlement agreement dated 17.09.2021 executed between the parties has been placed on record at page 53 of the present petition.

3. IO is present in person and has identified all the petitioners, who are present in Court and respondent no.2, who is appearing 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 16/09/2023 at 15:42:24 through VC.

4. According to the terms of settlement, the respondent no.2 has agreed not to claim any maintenance, past, present or future or permanent alimony, etc. from the petitioners.

5. According to the terms of settlement, the marriage between petitioner no.1 and respondent no.2 has been dissolved by way of decree of divorce dated 02.02.2022. The certified copy whereof has been placed at page 73 of the present petition.

6. Learned counsel for the petitioners submits that the dowry articles have been returned back. Learned counsel appearing for respondent no.2 affirms the same.

7. So far as the minor son is concerned, the permanent custody shall remain with petitioner no.1 till he attains majority. It has also been decided under the agreement that petitioner no.1 shall have sole right of the minor child for his all round development. It is also the terms of settlement that respondent no.2 shall not claim any visitation rights.

8. This Court has interacted with respondent no.2, who affirms the terms of settlement, including that of the minor son.

9. Needless to observe that the rights of the minor child shall not be affected in any way by the terms of the settlement executed between the parties and his rights shall remain reserved in accordance with law.

10. This Court has perused the terms of settlement agreement and they appear to be lawful. The parties are bound by the terms of the settlement.

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11. After observing that the disputes are arising from matrimonial ties, this Court is of the considered opinion that no purpose would be served in continuing with the FIR in question and the further criminal proceedings and it would be in the interest of justice as also of the parties and the society that quietus is put to such disputes.

12. Accordingly, FIR No. 65/2019 under Sections 498A/406/34 IPC, 1860 registered at Police Station Jaffarpur Kalan and the proceedings emanating stand quashed.

13. The petition stands disposed of.

TUSHAR RAO GEDELA, J SEPTEMBER 1, 2023 Aj This is a digitally signed order.

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