

Ajay Gupta And Ors. vs State Of Nct Delhi And Ors on 24 December, 2024

Author: Anoop Kumar Mendiratta

Bench: Anoop Kumar Mendiratta

\$~14

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decisi

+

CRL.M.C. 10189/2024

AJAY GUPTA AND ORS.

.....P

Through:

Mr. Arun Sheoran and
Kumar, Advs.

versus

STATE OF NCT DELHI AND ANR.

.....Responden

Through: Mr. Satish Kumar, APP with SI Vi
Chaudhary, PS: Sonia Vihar.

Mr. Vivek Raghuvanshi, Adv. for
alongwith respondent No. 2 in pe

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

JUDGMENT

ANOOP KUMAR MENDIRATTA, J. (ORAL)

Regular Bench is not holding the Court today.

Exemption allowed, subject to just exceptions. Application stands disposed of.

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 0259/2020 under Sections 498A/406/34 IPC, registered at P.S.: Sonia Vihar and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.

3. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu Rites and ceremonies on 13.02.2019. No child was born out of the wedlock. Due to matrimonial differences, petitioner No.1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 08.07.2020.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 22.03.2024 arrived at Delhi Mediation Centre, Karkardooma Courts, Delhi. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide decree dated 24.10.2024.

5. An amount of Rs. 50,000/- has been paid to respondent No. 2 today by way of online transaction.
6. Learned APP for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.
7. Petitioner No. 1 and respondent No. 2 are present in person and petitioner Nos. 2 to 5 through VC have been identified by SI Vijay Chaudhary, PS: Sonia Vihar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she 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 parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No. 0259/2020 under Sections 498A/406/34 IPC, registered at P.S.: Sonia Vihar and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

DECEMBER 24, 2024/R