



2025:DHC:5332



\$~79

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 07.07.2025

+ CRL.M.C. 722/2025 & CrI.M.A. 3436/2025

KAMAL KUMAR GAUTAMPetitioner

Through: In person with Mr. Sarvesh
Kumar Mishra, Advocate

Versus

STATE (THROUGH SHO PS DWARKA NORTH) & ANR.

.....Respondent

Through: Mr. Raghuinder Verma,
Additional Public Prosecutor
for State with IO
Respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

07.07.2025

%

SHALINDER KAUR, J (ORAL)

1. The present petition Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (under Section 482 Cr.P.C.) has been filed by the petitioner seeking to quash the FIR No. 647/2021, under Section 498A of the Indian Penal Code, 1860, registered at Police Station Dwarka North, New Delhi (“subject FIR”) and all other proceedings emanating therefrom.



2025:DHC:5332



2. Learned counsel for petitioner submits that petitioner No.1 is the ex-husband of the respondent No.2.

3. It is submitted that marriage of petitioner with respondent No.2 was solemnized on 02.12.2003. Two sons were born out of this wedlock on 30.07.2008 and 19.02.2016. Due to temperamental differences, both started living separately since 08.07.2021. The parties entered into multiple litigations against each other.

4. On the complaint of respondent No.2, the subject FIR was registered against the petitioner. The parties were referred to the Principle Counsellor, Family Courts of South West District at Dwarka, Delhi where they arrived at an amicable and voluntary resolution of their disputes vide Settlement Agreement dated 20.01.2024.

5. In terms of the Settlement Agreement dated 20.01.2024, petitioner agreed to pay settlement amount of Rs.1,00,00,000/- to respondent No.2 towards full and final settlement in respect of *istridhan*, permanent alimony, maintenance and other miscellaneous expenses in three instalments.

6. It is submitted that first instalment of Rs.35,00,000/- was paid by petitioner to respondent No.2 at the time of recording of statement in petition under Section 13B(1) of Hindu Marriage Act and second instalment of Rs.35,00,000/- was paid at the time of recording of statement in petition under Section 13B(2) of Hindu Marriage Act. The learned Family Court has granted decree of divorce vide



2025:DHC:5332



Judgment dated 15.03.2024. The parties have also withdrawn all the pending cases against each other.

7. The Statement of the parties have been recorded by the Joint Registrar (Judicial) on 03.02.2025 and they have been duly identified by the Investigating Officer and their respective counsels. The respondent no. 2, in her statement before the Joint Registrar (Judicial), has stated that she has no objection if the subject FIR and all the proceedings emanating therefrom are quashed.

8. Before this Court, the Investigating Officer has again identified the parties and they have confirmed that they are abiding by all the terms of the Settlement.

9. Today, the third and final instalment in the sum of Rs.30,00,000/- has been paid by the petitioner to respondent No.2 by way of demand draft bearing no. 878056, dated 02.07.2025, drawn on Yes Bank , Branch Vikaspuri, New Delhi, who has accepted the same. Respondent No.2 present in the Court submits that as per settlement, she is in custody of her younger son Hridyansh and also that she has received entire settlement amount as per Settlement dated 20.01.2024 towards full and final settlement of all her claims including maintenance (past, present and future), *istridhan* dowry, articles, jewellery, permanent alimony etc.

10. The respondent no. 2 also confirms that the marriage has been dissolved *vide* the decree dated 15.03.2024 and submits that she has *no objection* if the subject FIR and all consequential proceedings



2025:DHC:5332



arising therefrom are quashed.

11. Petitioner present in the Court has also affirmed that as per Settlement dated 20.01.2024, the elder son of the parties- Harshit, is in his custody and also that out of three joint properties in the name of the parties, the respondent No.2 has relinquished her share before the Office of Sub-Registrar Janakpuri, New Delhi and Faridabad, Haryana and for the third property situated in Noida, necessary deletion in the records of the Builder has been made.

12. In view of the foregoing, the learned counsels of the parties, have jointly prayed for quashing of the subject FIR.

13. The learned APP, appearing on behalf of the State, submits that there is no objection is the subject FIR and all consequential proceedings arising therefrom are quashed.

14. In view of these circumstances, in line with the law laid down by the Supreme Court in *Gian Singh vs. State of Punjab & Anr.*: (2012) 10 SCC 303 as also in *Narinder Singh & Ors. vs. State of Punjab & Anr.*: (2014) 6 SCC 466, this Court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. In light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be a futile exercise and would not be conducive to peace and harmony between the parties.

15. In conspectus of the above facts and the Settlement Deed 20.01.2024, FIR No. 647/2021, under Section 498A of the Indian



2025:DHC:5332



Penal Code, 1860, registered at Police Station Dwarka North, New Delhi and proceedings emanating therefrom are hereby quashed.

16. The present petition and pending application are, accordingly, disposed of, in the aforesaid terms.

SHALINDER KAUR, J

JULY 07, 2025/r

[Click here to check corrigendum, if any](#)