



\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 % *Date of decision: 21st February, 2025*

+ **CRL.M.C. 320/2025**

1. KAMAL GAHLOT
 S/o Sh. Iam Gahlot
 R/o H.No. 18/22, E-Block, Qutub Vihar,
 Goyala Dairy, Phase-1, Bhai-Bhai Road,
 Dwarka, Delhi-110071Petitioner No.1
2. Sh. Iam Gahlot
 S/o Late Sh. Shiv Charan
 R/o H.No. 18/22, E-Block, Qutub Vihar,
 Goyala Dairy, Phase-1, Bhai-Bhai Road,
 Dwarka, Delhi-110071 ...Petitioner No. 2
3. Smt. Babli
 W/o Sh. Iam Gahlot
 R/o H.No. 18/22, E-Block, Qutub Vihar,
 Goyala Dairy, Phase-1, Bhai-Bhai Road,
 Dwarka, Delhi-110071Petitioner No. 3
4. Smt. Sonu @ Komal
 W/o Sh. Samrat
 R/o RZ-67, Hari Vihar,
 Kakrola, Delhi-110078 ...Petitioner No. 4

Through: Mr. Deepanshu Trehan, Advocate
 with Petitioners.

versus

1. STATE GOVT. OF NCT OF DELHI
 Through SHO
 P.S. Delhi Cantt.Respondent No.1
2. Smt. Nitasha



D/o Late Sh. Govind Raj Chauhan
R/o House No. 6/2, Village Jharera,
Delhi Cantt. New Delhi-110010

...Respondent No.2

Through: Mr. Shoaib Haider, APP for the State
with SI Archana, PS Delhi Cantt.
Mr. Hussain Taqvi, Mr. Ali Sozab,
Mr. Waseem and Ms. Nitasha,
Advocates for R2.
Complainant in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CRL.M.A. 1621/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.C. 320/2025

3. The Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'CrPC'*)/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioners for quashing of FIR No. 0361/2022 dated 14.10.2022 under Sections 498A/406/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*), registered at Police Station Delhi Cantt. and all the proceedings emanating therefrom.
4. Issue Notice.
5. Mr. Shoaib Haider, learned APP appearing on advance Notice, accepts Notice on behalf of the State.
6. Brief facts of the case are that the marriage was solemnized between



Petitioner No. 1 and respondent No. 2 on 03.05.2015, according to the Hindu rites and ceremonies and one child, namely, Master Rehan was born out of the said wedlock.

7. It is further submitted that on 13.05.2024, on the complaint of the Respondent No. 2, an FIR No. 0361/2022 dated 14.10.2022 under Sections 498A/406/34 of the IPC, got registered at Police Station Delhi Cantt.

8. It is stated that the Petitioner No. 1 and the Respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement *vide* Memorandum of Settlement (MOU) dated 13.05.2024. In terms of the MOU dated 13.05.2024, the Statement of the parties have already been recorded. In the MOU, it was *inter alia* settled between the parties that the Respondent No. 2/wife and the Petitioner No. 1/husband shall dissolve their marriage by decree of mutual consent. It is stated that the Petitioner No.1/husband shall pay a sum of Rs.3,00,000/- towards full and final settlement of all the claims of the Respondent No. 2/wife, in two equal instalments. It is also stated that the Petitioner No. 1 shall pay first instalment of Rs. 1,50,000/- to Respondent No. 2/wife, at the time of recording of statements of both the parties in First Motion Petition under Section 13-B (1) of the Hindu Marriage Act, 1955 and the second instalment of Rs. 1,50,000/- shall be paid to the Respondent No. 2, at the time of recording of statements in Second Motion Petition under Section 13-B(2) of the Hindu Marriage Act, 1955.

9. It is stated that the Petitioner has already paid the first instalment of Rs.1,50,000/- to the Respondent No. 2, at the time of recording of statements in First Motion Petition under Section 13-B (1) of the Hindu Marriage Act,



1955 and the second instalment of Rs.1,50,000/- has been paid by the Petitioner No.1, to the Respondent No. 2, at the time of recording of statements in Second Motion Petition under Section 13-B(2) of the Hindu Marriage Act, 1955.

10. It is also stated that on 30.09.2024, the marriage between the Petitioner No. 1 and the Respondent No. 2, had been dissolved as per the Hindu law.

11. In view of the Settlement Deed dated 13.05.2024, the present Petition has been filed.

12. The parties are present before this Court in-person today and have been identified by their learned counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

13. The parties have undertaken to remain bound by the terms of the Settlement.

14. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 13.05.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

15. The present Petition has been signed by the Petitioner No.1 and is supported by his Affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 13.05.2024 and they also submit that the said MOU dated 13.05.2024 has been arrived at between the parties, without any pressure and coercion.

16. Today, the Respondent No. 2/wife, who is present in the Court, states that she has received all amounts due to her and has no objection if the FIR



is quashed.

17. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

18. Moreover, there is no legal impediment in quashing the aforesaid FIR in question. The custody of the child has been agreed to remain permanently with the Respondent No. 6.

19. Accordingly, FIR No. 0361/2022 dated 14.10.2022 under Sections 498A/406/34 of the IPC, registered at Police Station Delhi Cantt. and all consequential proceedings emanating therefrom are quashed. However, it is clarified that the said Settlement is without prejudice to the rights of the minor, in accordance with law.

20. The Petition stands disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

FEBRUARY, 21, 2024/RS