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

+ **W.P.(CRL) 3751/2023**

PURU GUPTA & ORS.

..... Petitioners

Through: Mr. Karan Ahuja, Mr. Anubhav Tyagi, Mr. Kuldeep, Mr. Amish Aggarwala, Ms. Alka Nupur Singh, Ms. Nandini Aggarwal, Mr. Nishant Sharma, Mr. Nilesh Kumar, Mr. Himanshu Uttreja, Ms. Antosa, Mr. Aman Durga, Advocates

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel for the State with SI Sumit Tomar, P.S. Budh Vihar, Delhi
Mr. Amit Gaba, Advocate for R-2
alongwith R-2 in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

29.02.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioners seeking quashing of FIR bearing no. 367/2021, registered at Police Station Budh Vihar, Delhi for the offence punishable under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
2. Issue notice. Mr. Sanjay Lao, learned Standing Counsel accepts notice



on behalf of the State.

3. Petitioners are present before this Court and have been identified by their counsel Mr. Karan Ahuja and Investigating Officer (IO) SI Sumit Tomar from Police Station Budh Vihar, Delhi.

4. Brief facts of the present case are that the marriage between petitioner no. 1 and respondent no. 2 was solemnized on 23.07.2018 as per the Special Marriage Act, 1954 at Kanjhawala District Court, New Delhi. No child was born out of the said wedlock. It is stated that due to temperamental differences which had arisen between the parties, both the parties started living separately from each other since 21.07.2019. On the complaint of respondent no. 2, the present FIR bearing no. 367/2021 was registered at Police Station Budh Vihar, Delhi against the petitioners for offence punishable under Sections 498A/406/34 of IPC. It is stated that during the pendency of the case, both the parties have amicably settled all their disputes *vide* Settlement-Cum-Compromise Deed dated 02.11.2023 and decided to dissolve their marriage by way of mutual consent.

5. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties *vide* Settlement-Cum-Compromise Deed dated 02.11.2023.

6. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with petitioner no.1 and other family members.



7. The petitioner no. 1 had paid a sum of Rs. 2,50,000/- in four installments in the following manner:

- a. First installment of Rs. 50,000/- paid to respondent no. 2 at the time of withdrawal of Domestic Violence Complaint under Section 12 PWDV Act, 2005 filed by respondent no. 2.
- b. Second installment of Rs. 50,000/- paid to respondent no. 2 at the time of grant of first motion petition under Section 28B(1) HMA.
- c. Third installment of Rs. 50,000/- paid to respondent no. 2 at the time of grant of second motion petition under Section 28B(2) HMA.
- d. Fourth/Final instalment of Rs. 1,00,000/- to be paid at the time of quashing of the FIR before the Hon'ble High Court at New Delhi.

8. Today, the complainant who is present in Court states that she has received the last and final instalment of Rs. 1,00,000/- today, i.e., 29.02.2024 *vide* DD No. 165106 drawn on Bank of Baroda and has no objection, if the FIR is quashed.

9. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

10. Accordingly, FIR bearing no. 367/2021, registered at Police Station Budh Vihar, Delhi for offence punishable under Sections 498A/406/34 of IPC and all consequential proceedings emanating therefrom are quashed.

11. In view of above, the petition stands disposed of.



12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
FEBRUARY 29, 2024/ns

Click here to check corrigendum, if any