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

+ W.P.(CRL) 1448/2012

NITIN BAJAJ & ORS.

..... Petitioners

Through : Mr.Rajdev Singh, Mr.Lalit
Chaudhary and Ms.Jasneet Kaur,
Advs. with petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through : Mr.Saleem Ahmed, ASC for State –
R-1 with Ms.Charu Dalal, Adv. and
W/SI Narinder Kaur, PS Lajpat
Nagar.
Ms.Anisha Jain and Mr.V.R.Bokadia,
Advs. for complainant/R-2 in person.

AND

+ W.P.(CRL) 1449/2012

NITIN BAJAJ

..... Petitioner

Through : Mr.Rajdev Singh, Mr.Lalit
Chaudhary and Ms.Jasneet Kaur,
Advs. with petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through : Mr.Saleem Ahmed, ASC for State –
R-1 with Ms.Charu Dalal, Adv. and
SI Umesh Kumar, PS, DIS South-
East.
Ms.Anisha Jain and Mr.V.R.Bokadia,
Advs. for complainant/R-2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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08.10.2012

Crl.M.A. Nos.17626-27/2012 (Exemption) in W.P.(Crl.) No.1448/2012
Crl.M.A. Nos.17628-29/2012 (Exemption) in W.P.(Crl.) No.1448/2012

1. Exemption allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(Crl.) No.1448/2012 & W.P.(Crl.) No.1449/2012

1. This order shall dispose of two Writ Petitions i.e. W.P.(Crl.) No.1448/2012 and W.P.(Crl.) No.1449/2012 filed by the petitioners seeking quashing of two FIRs i.e. FIR No.62/2011 under Sections 498-A/406/34 IPC, PS Lajpat Nagar, Delhi and FIR No.87/2011 under Sections 324/506 IPC, PS Amar Colony, Delhi and all the proceedings arising therefrom.
2. Case FIR No.62/2011 under Sections 498-A/406/34 IPC was got registered by the complainant/respondent No.2 against her husband Nitin Bajaj i.e. petitioner No.1 and her in-laws.
3. Case FIR No.87/2011 under Section 324/506 IPC was got registered by the complainant/respondent No.2 against her husband Nitin Bajaj.
4. Brief facts leading to filing of these petitions are that respondent No.2 was married to petitioner Nitin Bajaj on 19.11.2003, according to Hindu rites and customs. One male child namely Tanay Bajaj was born out of the said wedlock.
5. It is stated in the petition that due to several temperamental differences, petitioner Nitin Bajaj and respondent No.2 could not live together. Apart from various litigations filed by the parties against each other, respondent No.2 got the above FIRs registered against the petitioners. It is further stated in the petition that during the proceedings, parties arrived

at an amicable settlement vide memorandum of understanding dated 21.02.2012 (copy placed on record) with the intervention of relatives and common friends as well as their respective counsel and agreed to dissolve the marriage by decree of divorce by mutual consent. In terms of settlement, petitioner agreed to pay Rs.35 lacs to respondent No.2 towards full and final settlement in respect of both the FIRs. In terms of settlement, a sum of Rs.20 lac has already been received by respondent No.2. The balance sum of Rs.15 lac has been received by respondent No.2 in Court today vide two Demand Draft No.269276 and 269277 both dated 13.09.2012 for a sum of Rs.7,50,000/- each.

6. Learned counsel for the petitioners submits that the petitioners and respondent No.2 have amicably resolved their dispute and petitioners have paid the total settled amount of Rs.35 lacs to respondent No.2 and respondent No.2 is not left with any claim or grievance of any nature against the petitioners. Learned counsel states that since the parties have settled their disputes amicably, no useful purpose would be served by continuance of criminal proceedings against the petitioners. Learned counsel thus prays for quashing of the FIRs and all subsequent proceedings arising out of said FIRs.

7. Respondent No.2 is present in Court today and is identified by her counsel. She also confirms the factum of amicable settlement with the petitioners. Respondent No.2 stated that she has no grievance whatsoever left against the petitioners and that she has no objection if the FIRs in question are quashed.

8. In view of the aforesaid amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served

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by continuing the criminal proceedings against the petitioners which will only be a futile exercise and wastage of precious time of the Court.

9. Accordingly, both the petitions are allowed and FIR No.62/2011 under Sections 498-A/406/34 IPC, PS Lajpat Nagar, Delhi and FIR No.87/2011 under Sections 324/506 IPC, PS Amar Colony, Delhi and all the proceedings arising therefrom are hereby quashed, leaving the parties to bear their own costs.

10. Order dasti.


PRATIBHA RANI, J

OCTOBER 08, 2012

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