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

Date of Decision: August 17, 2015

+ CRL.M.C. 925/2014 & CrI.M.A.No. 3128/2014

ASHISH SACHDEVA & ANR. Petitioners

Through: Mr. Deepak Thukral &
Mr. Kanwaljeet Singh, Advocates

versus

STATE & ANR. Respondents

Through: Mr. Ashish Dutta, Additional
Public Prosecutor for respondent-
State with SI Raj Pal

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 114/2011, under Sections 498A/406/34 of the IPC, registered at police station Kirti Nagar, New Delhi is sought on the basis of settlement, as reflected in the order of joint statement of parties recorded before the matrimonial court in proceedings under Section 13 (B) (2) of *The Hindu Marriage Act, 1955 (Annexure P-2) colly*.

Learned counsel for petitioners submits that the settlement reached between the parties has been already acted upon and decree of divorce has been passed on 8th May, 2013 and the respondent No.2- complainant has remarried and therefore, she is not coming forward for quashing of this FIR.

A bare perusal of the previous order sheets shows that respondent has been served but none has appeared on her behalf. By deliberately avoiding to appear before this Court, respondent No.2 cannot get hearing in this petition deferred and since she has remarried, therefore, no purpose would be served in obtaining her presence by coercive steps. The factum of settlement of the matrimonial dispute is evident from the certified copies of joint statement of parties (*Annexure P-2 colly*) and judgment of 8th May, 2013 of the Matrimonial Court, vide which divorce by mutual consent has been granted to the parties.

In the case of *Jitender Raghyvanshi & ors. vs. Babita Raghuvanshi & Anr.* (2013) 4 SCC 58, Apex Court in respect of the matrimonial disputes has specifically held as under:-

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction.

It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed....”

Applying the aforementioned dictum to the facts of this case, this Court finds that no useful purpose would be served in continuing with the proceedings arising out of FIR in question.

Accordingly, this petition is allowed and FIR No. 114/2011, under Sections 498A/406/34 of the IPC, registered at police station Kirti Nagar, New Delhi and proceedings emanating therefrom are quashed qua petitioners.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

August 17, 2015

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