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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 14.10.2015

W.P.(CRL) 2220/2015

SUNIL ROHILLA & ORS

..... Petitioners

Through: Mr. V.S. Yadav, Advocate

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms. Parul Jamwal, Advocate for Mr.
Rajesh Mahajan, ASC (Criminal) for
R-1
Mr. Devender Singh, Advocate for the
complainant along with the
complainant for R-2

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.14641/2015 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 2220/2015

1. The present is a petition under article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) praying for quashing of FIR No.155/2014, under sections 498A/406/34 IPC,

registered at Police Station- Saket, New Delhi and the proceedings arising therefrom.

2. The subject FIR was registered at the instance of respondent No.2 (wife) against petitioner No.1 herein (husband) and his family members.

3. Counsel appearing on behalf of the parties state that they have now arrived at an amicable resolution of all their outstanding disputes with the assistance of Mediation Centre, Saket Courts, New Delhi. The terms and conditions of the aforesaid settlement are annexed as Annexure P-2 to the present petition. In addition to the said terms and conditions an affidavit-cum-undertaking has been filed on behalf of petitioner No.1 to the effect that baby Alisha, who was born from the union between the complainant (wife) and the petitioner No.1 (husband), is his daughter and shall be entitled to a share in all his properties, both immovable and movable.

4. The agreement entered into between the parties is lawful. The same is accepted. The affidavit-cum-undertaking filed on behalf of the petitioner No.1, as aforesaid, is also accepted. The parties shall now abide by the terms and conditions of the agreement without demur.

5. The respondent No.2 (wife) who is present in person and has been identified by the IO SI Nitesh Sharma, Police Station- Saket states that in

view of the afore-stated statement and affidavit-cum-undertaking filed on behalf of the petitioner No.1 (husband) she is no longer keen to proceed with the subject FIR and the proceedings arising therefrom.

6. Since the dispute which arose out of a marital dispute has been resolved amicably by and between the parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

7. Consequently, FIR No.155/2014, under sections 498A/406/34 IPC, registered at Police Station- Saket, New Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners subject to their depositing a sum of Rs.5,000/- (Rupees Five Thousand) each with the Victims Compensation Fund, Government of NCT of Delhi within a period of two weeks from today. The receipt of the said deposit shall be furnished to the concerned IO.

8. The writ petition is disposed of accordingly.

9. *Dasti.*

SIDDHARTH MRIDUL, J

OCTOBER 14, 2015

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