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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 1683/2016
SARTAK ANEJA & ORS.

Through Mr Rajat Aneja, Adv. alongwith petitioners in person
versus
STATE & ANR.

Through Mr Ashok Kumar Garg, Additional Public Prosecutor for the State
Ms Reema Singh, Adv. for R2 alongwith R2 in person

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 02.05.2016

Crl. MA 7131/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

Crl. MC 1683/2016

This is a petition under Section 482 Cr.PC moved by the petitioners for quashing of FIR No.0090/2014 registered at Police Station CAW Cell, Nanakpura, New Delhi under Sections 498A/406 34 IPC and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

It is submitted by counsel for the petitioners that basically it is a matrimonial dispute. During the hearing of bail application, the matter was referred to Mediation Centre, Dwarka Courts, New Delhi where both the parties amicably resolved all their disputes and entered into a settlement dated 04.03.2015, which is annexed to the petition at pgs.68 to 72, according to which all the disputes between the parties were settled for a total sum of Rs.21,50,000 which was to be paid as per the following schedule:

- (i) First instalment of Rs.7,00,000/- shall be paid at the time of recording of statement during first motion petition under Section 13-B(i) of HMA, which shall be filed jointly by the parties i.e. complainant / wife Ms Ridhi Kundra and the respondent / husband Shri Sarthak Aneja,
- (ii) Second instalment of Rs. 7,25,000/- shall be paid at the time of recording of statement during second motion under Section 13-B (ii) of HMA which shall be filed within one month after expiry of minimum statutory period from the date of

first motion petition under S. 13-B(i) of HMA, as per law.

- (iii) Third/ last instalment of Rs.7,25,000/- shall be paid at the time of recording of statement of complainant / wife in proceedings for quashing of FIR No.90/14 under Sections 498A/406/34 IPC Police Station CWC, Nanakpura, New Delhi before this Court.

It is submitted that a sum of Rs.14,25,000/- has already been paid to the respondent no.2. Marriage has been dissolved by a decree of divorce. The petitioners have paid the balance amount of Rs.7,25,000/- to the complainant today by way of demand draft, copy of which has been placed on record, as such it is prayed that the FIR be quashed.

The respondent No.2/complainant, who is present in person (duly identified by the Investigating Officer of the case as well as her counsel) submits that she has amicably resolved all disputes with the petitioner voluntarily without there being any threat, coercion or pressure of any sort and in view of the settlement arrived at between the parties. She admits receiving of Rs.14,25,000/- and decree of divorce by mutual consent. She further submits that she has received the draft / bankers cheque of Rs.7,25,000 from the petitioners today in the Court. As such, it is submitted by her that she does not want any action against the petitioner and does not have any objection to quashing of the instant FIR.

Mr Ashok Kumar Garg, Additional Public Prosecutor for the State submits that in view of the settlement arrived at between the parties, he has no objection to quashing of FIR.

Although offence under Section 498A IPC is non-compoundable but in view of law laid down by the Apex Court in **Shadilal & Ors. v Smt Anil & Anr.**, 2005 Matrimonial Law Reporter 171, **Jasmini Vipul Bhatia & Ors. v State of Maharashtra**, 2005 Matrimonial Law Reporter, 558, Section 320 of the Cr.P.C is no bar to the exercise of power of quashing. As such, keeping in view the fact that it is a matrimonial dispute which the parties have amicably resolved, continuation of the criminal proceedings would be a futile exercise and it will be rather in the ends of justice to give quietus to such litigation.

Accordingly, the petition is allowed and the FIR No.0090/2014 registered at Police Station CAW Cell, Nanakpura, New Delhi under Sections 498A/406 34 IPC and consequent proceedings emanating therefrom are hereby quashed.

The petition stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioners.

SUNITA GUPTA, J

MAY 02, 2016/rd