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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 316/2016
GAURAV KAPOR @ KUMAR GAURAV & ANR

..... Petitioner

Through: Mr D.K. Kaushik and Ms Swati Rathi, Advs.
alongwith the petitioners in person

versus

THE STATE & ANR (NCT OF DELHI)

..... Respondent

Through: Mr Ashok Kumar Garg, Additional Public
Prosecutor for the State alongwith Sub
Inspector M Haroon Police Station Tilak
Nagar, Delhi
Mr S. Kumar, Adv. for R2 alongwith R2
present in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 27.01.2016

Crl. MA 1394/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

Crl. MA 1395/2016 (delay)

This is an application moved by the appellant for condonation of delay of 33 days in filing the instant petition.

Notice.

Mr Ashok Kumar Garg, Additonal Public Prosecutor for the State accepts notice and submits that he has no objection to condonation of delay.

In view of the averments made in the application, the delay of 33 days in filing the appeal is condoned.

The application stands disposed of.

CRL.M.C. 316/2016

This is a petition u/s 482 Cr.P.C. moved by the petitioners for quashing of FIR No.771/2006 registered at Police Station Tilak Nagar, Delhi under Sections 498A/406/354/34 IPC and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

The FIR in the instant case was registered against the petitioner nos. 1 and 2, Mr

Swadesh Chand and Mr Saurabh Kapoor.

The petitioner nos. 1 and 2 are the husband and mother-in-law of the complainant/respondent no.2. Swadesh Chand and Mr Saurabh Kapoor have already been expired. A petition for divorce was filed by the respondent no.2 under Section 13(1) (ia) of the Hindu Marriage Act and the marriage has since been dissolved by a decree of divorce vide order dated 14.05.2009. After divorce, the respondent no.2 has remarried. Now, the disputes have been settled amicably between the parties and a compromise deed dated 21.09.2015 at pg. 50 of the paper book has been filed according to which the matter has been amicably settled between the parties and the respondent no.2 has no objection to quashing of the instant FIR.

The respondent no.2 is present in person with her counsel (duly identified by the Investigating Officer of the case as well as by her counsel) reiterates the averments made in the compromise / settlement deed dated 21.09.2015 and has also filed her affidavit. She further states that in view of the fact that the matter has been settled between the parties and now she has remarried, she does not want any action against the petitioners and has no objection if the FIR is quashed.

Learned Additional Public Prosecutor for the State submits that the matter is at the stage of prosecution evidence, however, in view of the compromise effected between the parties, he has no objection to quashing of FIR since all matrimonial disputes have been settled and now the respondent no.2 has remarried.

Keeping in view the fact that it is a matrimonial dispute which has since been settled, no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futility and wastage of precious time of the Court.

Accordingly, the petition is allowed and the FIR No.771/2006 registered at Police Station Tilak Nagar, Delhi under Sections 498A/406/354/34 IPC and consequent proceedings emanating therefrom are hereby quashed

The petition stands disposed of accordingly.

SUNITA GUPTA, J

JANUARY 27, 2016/*rd*