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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1514/2016 CRL. M.A.6497/2016
SANJEEV YADAV & ANR Petitioner
Through Mr. B.K. Pandey, Adv. with
petitioner in person.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ANR Respondent
Through Mr. Kamal Kumar Ghei, APP for
State with SI Rajdeep
Respondent no. 2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **23.10.2017**

Respondent no. 2 Ms. Ruby Yadav is present in person. The Investigating Officer SI Rajdeep present in court identifies the respondent no. 2 Ms. Ruby Yadav, the complainant of FIR no. 315/2013 dated 06.08.2013 PS Saket, which was registered under Sections 498A/406 r.w.s. 43 of the Indian Penal Code, 1860.

Vide the present petition the petitioners no. 1 & 2 Mr. Sanjeev Yadav and Smt. Rajni Yadav respectively seek quashing of the FIR no. 315/2013 dated 06.08.2013 PS Saket registered under Sections 498A/406 r.w.Sec. 34 of the Indian Penal Code, 1860 and all proceedings related therefrom against them submitting *interalia* to the effect that a settlement has been arrived at between the parties vide mediation proceedings dated 06.01.2015.

A submission has already been made on behalf of the petitioners that
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the marriage between the respondent no. 2 Ms. Ruby Yadav and Mr. Avnesh Yadav has since been dissolved vide a decree of divorce through mutual consent on 21.07.2015 in HMA No. 1059/2015 and the certified copy of the order dated 21.07.2015 in HMA No. 1059/2015 in relation to the petition u/s 13B(2) of the HMA is placed on the record indicating that the marriage between Mr. Avnesh Yadav and the respondent no. 2 Ms. Ruby Yadav has since been dissolved by a decree of divorce through mutual consent.

Placed on record is the certified copy of the mediation settlement dated 06.01.2015 in relation to which in reply of a specific Court query, it has been submitted that the respondent no. 2 Ms. Ruby Yadav has since been received Rs.3 lacs from her husband Mr. Avnesh Yadav. She further submits that she does not oppose the prayer made through the present petition on behalf of the petitioners seeking quashing of the FIR no. 315/2013 dated 06.08.2013 PS Saket registered under Sections 498A/406 r.w. Sec. 34 of the Indian Penal Code, 1860 against the petitioners voluntarily on her own accord without any duress and coercion from any quarter.

Learned APP for the State also does not oppose the prayer made on behalf of the petitioners in the facts and circumstances of the case.

Taking into account the factum that the FIR has since already been quashed against the prime accused Mr. Avnesh Yadav vide proceedings dated 11.12.2015 in Crl. M.C. 4051/2015 in view of the subject matter of the FIR being essentially in relation to matrimonial issues, a mutual settlement having been arrived at between the parties with it having been observed categorically to the effect that the continuation of the FIR would be an

exercise in futility, and taking also into account the factum that there appears no reason to disbelieve the submission made by the respondent no. 2 Ms. Ruby Yadav that she does not oppose the prayer made by the petitioners seeking quashing of the FIR no. 315/2013 dated 06.08.2013 PS Saket registered under Sections 498A/406 r.w.Sec. 34 of the Indian Penal Code, 1860 voluntarily of her own accord and that there are no claims of hers left against the petitioners. It is considered appropriate to exercise inherent powers to quash the proceedings under Sections 498A/406 r.w.Sec. 34 of the Indian Penal Code, 1860 against the petitioners no. 1 & 2 namely Mr. Sanjeev Yadav and Smt. Rajni Yadav respectively, arrayed as accused in FIR no. 315/2013 dated 06.08.2013 PS Saket respectively as the proceedings in relation to the prime accused Mr. Avnesh Yadav vide proceedings dated 11.12.2015 in Crl. M.C. 4051/2015 have already been quashed.

In view thereof, the present CRL.M.C. 1514/2016 is allowed and the FIR no. 315/2013 dated 06.08.2013 PS Saket registered under Sections 498A/406 r.w.Sec. 34 of the Indian Penal Code, 1860 against the petitioners no. 1 & 2 namely Mr. Sanjeev Yadav and Smt. Rajni Yadav respectively and all proceedings emanating therefrom are quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J

OCTOBER 23, 2017/MK