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

+ CRL.M.C. 3072/2016

PRAVESHKUMAR & ORS. Petitioners

Through: Mr.Uma Shankar, Advocate

versus

STATE & ORS. Respondents

Through: Mr.Kamal Kumar Ghei, APP for the
State with ASI Suman Rana
PS Welcome
Respondent No.2/complainant and
Respondent no.3 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
31.10.2017

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1. The present petition has been filed by the Petitioners under Section 482 Cr.P.C. for quashing of FIR No.258/2010, under Sections 498-A/406/34 IPC & Section 3/4 of Dowry Prohibition Act registered at P.S. New Usman Pur, Delhi and the proceedings emanating therefrom against the petitioners.

2. Briefly stating the facts of the present case are that Respondent No.2 got married to Petitioner No.1 on 29th April, 2004 at Delhi according to Hindu rites and ceremonies. However, due to temperamental and other differences, both of them were living separately from each other since 30th October, 2008. Thereafter, Respondent No.2 filed a complaint against the Petitioners at CAW Cell, Nand Nagri, Delhi on the basis of which FIR in question was registered.

3. Respondent No.2 also filed a petition under Section 125 Cr.P.C. against the petitioner No.1. However, petition under Section 125 Cr.P.C. and its execution have been withdrawn from the Court of learned Metropolitan Magistrate, Karkardooma Courts, Delhi.
4. It is mentioned in the petition that during the pendency of trial of aforesaid FIR, the respondent No.2 has amicably settled all her disputes/claims regarding her stridhan, dowry articles, maintenance of present, past and future including permanent alimony with the petitioner No.1.
5. It is also mentioned in the petition that the marriage between the petitioner No.1 and respondent No.2 has been dissolved by mutual consent vide order dated 7th May, 2014 passed by the learned Judge, Family Court, Karkardooma Courts, Delhi.
6. Petitioner Nos.1 and 3 are present along with their counsel. Petitioner No.2, Mohan Lal, father-in-law of the complainant is stated to have died and his death certificate has been placed on record today in the Court. The factum of the death of Sh. Mohan Lal is not disputed by the complainant. Petitioner No.4 is the sister-in-law (Nand), who is stated to be suffering from Dengu and that is why she could not appear today.
7. Respondent No.2 is also present in person and submits that she has settled the matter with the Petitioners and she has no objection if the FIR in question is quashed qua the Petitioners.
8. The FIR registered against the present Petitioners is for committing the offences punishable under Sections 498-A/406/34 IPC. Offence punishable under Section 498-A IPC is a non-compoundable offence.

9. In view of the legal position laid down in *Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257* and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

10. Accordingly, in terms of the settlement case FIR No.258/2010, under Sections 498-A/406/34 IPC & Sections 3/4 of Dowry Prohibition Act registered at P.S. New Usman Pur, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

OCTOBER 31, 2017
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