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

+ W.P.(CRL) 2446/2016

PREM GUPTA

..... Petitioner

Through: Mr.Ajay P.Tushir, Advocate with  
petitioner in person.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr.Rajesh Mahajan, ASC for the  
State/R-1 with Mr Mohit Sharma,  
Advocate and SI Renu, PS CAW  
Cell/NW.  
Mr.Kameshwar Mishra, Advocate  
with respondent No.2 in person.

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

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**30.11.2017**

1. By way of present writ petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., the petitioner is praying for quashing of FIR No.258/2014 under Sections 498-A/406 IPC, P.S. Adarsh Nagar, Delhi and all consequential proceedings arising therefrom, on the basis of settlement arrived at between the parties.

2. Brief facts leading to filing of this petition are that marriage between petitioner and respondent No.2/complainant was solemnized on 11<sup>th</sup> June, 2011 according to Hindu rites and ceremonies. Soon after the marriage, certain disputes arose between the couple as a result of which respondent

No.2 left the matrimonial home. Thereafter respondent No.2 filed a complaint against the petitioner which resulted into registration of FIR in question.

3. During the pendency of the proceedings the matter was referred to Mediation Centre, Rohini Court where parties arrived at an amicable settlement vide settlement agreement dated 5<sup>th</sup> September, 2013 (copy of the same annexed with the petition as Annexure P3) and agreed to dissolve their marriage by a decree of divorce by way of mutual consent.

4. Learned counsel for the petitioners submits that petitioner and respondent No.2 have arrived at amicable settlement before the Mediation Centre, Rohini Court. The marriage between the two has already been dissolved by a decree of divorce by mutual consent vide order dated 4<sup>th</sup> February, 2016.

5. Respondent No.2 is present in person and submits that she has settled the matter with the petitioners before Mediation Centre, Rohini Court, Delhi and that she has no objection if the FIR in question is quashed qua the petitioner.

6. Learned counsel for the petitioner and complainant submit that after the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioner, therefore the FIR in question and criminal proceedings emanating therefrom may be quashed.

7. In view of the legal position laid down in the decision reported as Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257 and the amicable settlement arrived at between the parties before the Mediation Centre, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an

exercise in futile and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and FIR No.258/2014 under Sections 498-A/406 IPC, P.S. Adarsh Nagar, Delhi and consequential proceedings arising therefrom are hereby quashed. The Parties shall be bound by the terms and conditions of settlement arrived at before Mediation Centre, Rohini Court, copy of which is placed on record as Annexure-P3

Order dasti.

**PRATIBHA RANI, J.**

**NOVEMBER 30, 2017**

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