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

+ CRL.M.C. 3388/2017

BHEEM SEN & ORS

..... Petitioners

Through: Petitioners in person

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through: Mr.Sanjeev Sabharwal, APP for the
State with SI Govind Singh PS Uttam
Nagar
Respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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22.09.2017

1. The present petition has been filed by the Petitioners under Section 482 Cr.P.C. read with Article 227 of Constitution of India for quashing of FIR No.188/2012, under Sections 498-A/406/254/34 IPC registered at P.S. Uttam Nagar, Delhi and proceedings emanating therefrom against the petitioners.

2. Briefly stating the facts of the present case are that Respondent No.2 was got married to Petitioner No.1 on 15th February, 2013 according to Hindu rites and ceremonies. It is further mentioned in the petition that due to temperamental and other differences, the Petitioner No.1 and Respondent No.2 could not live together. They started living separately since 1st October, 2011. On 26th April, 2012, Respondent No.2 filed a complaint

against the Petitioners, on the basis of which FIR in question was registered.

3. During the pendency of above case, with the intervention of Court, both the parties agreed to divorce each other and arrived at an amicable settlement. The copy of the settlement/statement of the parties before the learned Metropolitan Magistrate has been annexed with this petition as Annexure-C (colly). The marriage between the petitioner No.1 and respondent No.2 has been dissolved by mutual consent vide judgment dated 27th January, 2017 passed by the Judge, Family Court, Dwarka Courts, Delhi. The copy of the same has been annexed with the petition at page 52.

4. In terms of full and final settlement arrived at between the parties, today Petitioner No.1 has handed over to Respondent No.2 a sum of ₹10,000/- in cash.

5. Respondent No.2 is present in person and submits that she has settled the matter with the Petitioners and in terms of said settlement, today she has received ₹ 10,000/- in cash from the Petitioners. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioners.

6. The FIR registered against the present Petitioners is for committing the offences punishable under Sections 498-A/406/254/34 IPC. Offence punishable under Section 498-A IPC is a non-compoundable offence.

7. 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.

8. Accordingly, in terms of the settlement case FIR No.188/2012, under Sections 498-A/406/254/34 IPC registered at P.S. Uttam Nagar, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

SEPTEMBER 22, 2017

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