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

+ W.P.(CRL) 3313/2017

SHANKAR & ORS

..... Petitioners

Through: Ms.Vibha Sharma, Advocate with
Petitioners in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Ms.Kamna Vohra, ASC for the State
with SI Santosh Kumar,
PS Mandawali
Ms.Seema Choudhary, Adv.for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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27.11.2017

CRL.M.A.19495/2017

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL.) 3313/2017

1. This petition under Article 226 of the Constitution of India, read with Section 482 Cr.P.C. has been filed by the petitioner seeking quashing of FIR No.459/2013, under Sections 498A/406/34 IPC, registered at PS Mandawali and the proceedings arising out of the same on the basis of amicable settlement between the parties.
2. Notice. Learned counsel as above appearing on behalf of Standing Counsel for the State accepts notice on behalf of the State.

3. Brief facts leading to filing of this petition are that marriage between petitioner No.1 and respondent No.2/complainant was solemnized on 25th February, 2008 according to Hindu rites and ceremonies. Due to some temperamental differences the petitioner No.1 and respondent No.2 could not adjust themselves and resultantly respondent No.2 started residing with her parents with minor child from 15th May, 2009. Respondent No.2 lodged a complaint against the petitioners which resulted into FIR No.459/2013, under Section 498A/406/34 IPC at PS Mandawali.

4. With the intervention of the well wishers, relatives and common friends, the parties have resolved all their disputes amicably and have entered into Memorandum of Understanding dated 10th March, 2015, executed before Counseling Cell, Family Court, East, Vishwas Nagar, Delhi, copy of which is annexed with the petition as Annexure P2 (Colly). The petitioner No.1 and respondent No.2 are living separately and have already filed the divorce petition with mutual consent. As per agreement between the parties, the petitioner No.1 had paid a total amount of ₹4.5 lakh to respondent No.2 at the time of filing divorce petition and ₹2.5 lakhs is agreed to be paid at the time of quashing of the present FIR.

5. Learned counsel for the petitioners submit that parties have already settled their disputes and the balance amount of ₹2.5 lakhs has been paid to the respondent No.2 today in the Court, no useful purpose would be served by keeping the present FIR pending and requests that the FIR in question and the proceedings emanating therefrom may be quashed.

6. Respondent No.2 is present in Court today and she also confirms the factum of amicable settlement with the petitioners. She confirms that she has received the amount of ₹4.5 lakhs from the petitioners and has received the

amount of ₹2.5 lakhs today in the Court. She submits that she does not wish to continue criminal proceedings against the petitioners and has no objection if the FIR in question and all consequent proceedings arising therefrom are quashed.

7. In view of the aforesaid amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing with the FIR/ criminal proceedings against the petitioners, which will only be an exercise in futility and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and FIR No.459/2013, under Section 498A/406/34 IPC at PS Mandawali and all the proceedings arising therefrom are hereby quashed.

Order *dasti*.

PRATIBHA RANI, J.

NOVEMBER 27, 2017

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