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

+ **W.P.(CRL) 3438/2017**

DEEPANSHU ARORA & ORS

..... Petitioners

Through: Mr.Nitin Ahlawat and Ms.Sansy
Gandhi, Advocates with petitioners in
person.

versus

STATE (GOVT OF NCT DELHI) & ANR

..... Respondents

Through: Mr.Rajesh Mahajan, ASC for the
State/R-1.
Mr.Sahil Munjal and Ms.Rhea
Gandhi Munjal, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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08.12.2017

CRL.M.A.No.20226/2017

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

W.P.(CRL.) 3438/2017

1. By way of this petition filed under Article 226 of the Constitution of India, read with Section 482 Cr.P.C., the petitioner is seeking quashing of the FIR No.197/2016, under Sections 498-A/406/377/34 IPC, registered at PS Shalimar Bagh, Delhi and subsequent proceedings arising therefrom.

2. Notice. Learned ASC as above accepts notice on behalf of the State/R-1. Learned counsel for respondent No.2 also accepts notice.
3. Briefly stating the facts of the present petition, the marriage between petitioner No.1 and respondent No.2/complainant was solemnized on 8th December, 2012 according to Hindu rites and ceremonies. One male child namely Arhaan Arora was born out of the said wedlock. Due to temperamental differences between the petitioner and respondent No.2, they could not live together and started living separately from 10th June, 2015.
4. Thereafter the respondent No.2 filed a criminal complaint against the petitioners which resulted into registration of FIR No.197/2016. It is mentioned in the petition that other litigations i.e. petition under Section 9 of Hindu Marriage Act, application under Section 24 of Hindu Marriage Act and Guardian Petition No.29/2015 were also filed by the parties against each other.
5. During the pendency of above cases, the parties arrived at an amiable settlement vide compromise-cum-settlement deed dated 10th May, 2016 and agreed to dissolve their marriage by way of decree of dissolution by mutual consent. Copy of the compromise-cum-settlement deed is also placed on record.
6. Learned counsel for the petitioners submit that as per settlement/agreement between the parties, the last installment of ₹60 lacs has been paid today by the petitioners to the complainant by way of two pay orders No.018616 dated 30th November, 2017 and No.018622 dated 1st December, 2016 (copy placed on record). Learned counsel for the petitioners submit that marriage of petitioner No.1 and respondent No.2

already stands dissolved by way of decree of dissolution by mutual consent vide order dated 27th September, 2017. Learned counsel for the petitioners prays that since parties have arrived at an amicable settlement, no useful purpose would be served by continuing the criminal proceedings against the petitioners, hence FIR in question and the proceedings emanating therefrom may be quashed.

7. Respondent No.2 is present in the Court today and confirms the factum of amicable settlement with the petitioners. She also states that in terms of settlement, today she has received ₹60 lacs from the petitioners by way of two demand drafts and that she has no objection if the FIR in question and all consequent proceedings arising therefrom are quashed.

8. 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.

9. Accordingly, the petition is allowed and FIR No.197/2016, under Sections 498-A/406/377/34 IPC, registered at PS Shalimar Bagh, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order *dasti*.

PRATIBHA RANI, J.

DECEMBER 08, 2017

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