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

+ **W.P.(CRL) 3539/2017**

JATIN SABHARWAL & ORS Petitioners

Through: Mr.M.D.Kamal, Advocate with
petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr.Rahul Mehra, Standing Counsel
for the State/R-1 with Mr.Jamal
Akhtar, Advocate and ASI
Dharambir, CAW Cell (Outer
District)
Mr.Navin Chaudhary, Advocate for
R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **19.12.2017**

CrI.M.A.No.20955/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

W.P.(CRL) 3539/2017

1. The present petition has been filed by the Petitioners under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.215/2016, under Sections 498-A/406/34 IPC registered at P.S. Vikas Puri, Delhi and the proceedings emanating therefrom against the petitioners.

2. Notice. Learned Standing Counsel for the State/R-1 and learned counsel appearing for respondent No.2 accept notice.

3. Briefly stating the facts of the present case are that respondent No.2 got married to petitioner No.1 on 20th January, 2010 according to Hindu rites and ceremonies. However, due to differences in temperaments, habits, tastes and thoughts, the relationship between petitioner No.1 and respondent No.2 deteriorated and they started living separately since 23th August, 2013. Thereafter, the respondent No.2 filed a criminal complaint against the petitioners which resulted into registration of FIR in question. It is mentioned in the petition that during the pendency of above proceedings, the matter was referred to Mediation Centre where parties arrived at an amicable settlement and agreed to dissolve their marriage by a decree of divorce by mutual consent.

4. It is further stated in the petition that **the parties have settled the matter before Mediation Centre, Tis Hazari Court, Delhi and copy of the said settlement dated 2nd May, 2017 has been placed on record as Annexure-P/2.**

5. In terms of full and final settlement arrived at between the parties, today learned counsel for the petitioners has handed over to respondent No.2 a demand draft dated 16th December, 2017 for a sum of ₹1,00,000/- which the respondent No.2 has accepted. Copy of demand draft has also been placed on record.

6. Respondent No.2 is present in person and submits that she has settled the matter with the petitioners before Mediation Centre, Tis Hazari Court, Delhi and in terms of said settlement, today she has received ₹1,00,000/- by way of demand draft from the petitioners. Respondent No.2 further submits

that she has no objection if the FIR in question is quashed qua the Petitioners.

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

8. 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 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.215/2016, under Sections 498-A/406/34 IPC registered at P.S. Vikas Puri, 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, Tis Hazari Court, copy of which is placed on record as Annexure-P/2.

Order dasti.

PRATIBHA RANI, J.

DECEMBER 19, 2017

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