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

+ **W.P.(CRL) 3616/2017**

RAVINDER TOKAS & ORS

..... Petitioners

Through: Mr.Javed Ali, Advocate with
petitioners in person.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Ms.Srilina Roy, Advocate for
Ms.Nandita Rao, ASC for the
State/R-1.

Mr.Rajesh Singh, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **22.12.2017**

Crl.M.A.No.21404/2017

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

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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.102/2015, under Sections 498-A/406/34 IPC registered at P.S. Vasant Kunj (North), Delhi and the proceedings emanating therefrom against the petitioners.
2. Notice. Learned counsel appearing on behalf of State/R-1 and learned counsel appearing for respondent No.2 accept notice.

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3. Briefly stating the facts of the present case are that respondent No.2 got married to petitioner No.1 on 7th December, 2009 according to Hindu rites and ceremonies. However, due to some matrimonial differences, they started living separately since 15th April, 2012. Thereafter, the respondent No.2 filed a criminal complaint against the petitioners which resulted into registration of FIR in question.

4. It is mentioned in the petition that during the pendency of above proceedings, the parties arrived at an amicable settlement and agreed to dissolve their marriage by a decree of divorce by mutual consent. The parties made joint statement to the above effect before the Court of Principal Judge, Patiala House Court, New Delhi. Copy of the decree sheet dated 24th October, 2017 regarding dissolution of marriage of the petitioner No.1 and respondent No.2 by mutual consent has also been placed on record as Annexure-P2.

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 No.717362 dated 19th December, 2017 for a sum of ₹3,00,000/- 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 dispute with the petitioners and in terms of said settlement, today she has received ₹3,00,000/- 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 and the

marriage of petitioner No.1 and respondent No.2 has also been dissolved by way of decree of divorce by mutual consent, 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, 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.102/2015, under Sections 498-A/406/34 IPC registered at P.S. Vasant Kunj (North), Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti.

PRATIBHA RANI, J.

DECEMBER 22, 2017

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