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

+ CRL.M.C. 1564/2018 & CrI.M.A. No.5675/2018 (for stay)

SHEKHAR MAHAJAN & ORS

..... Petitioners

Through: Mr.Vipin Kumar, Adv. with petitioner
nos.1 & 3

versus

STATE OF NCT DELHI & ANR

..... Respondents

Through: Mr.Amit Chadha, APP for the State
with ASI Sukhvir Singh, PS Tilak
Nagar.
R-2 inperson.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.11.2018

1. Vide the present petition under Section 482 Cr.P.C, the petitioners seek quashing of FIR No.0388/2016 under Sections 498A/406/34 IPC registered at Police Station Tilak Nagar, Delhi and all proceedings emanating therefrom, based on a settlement dated 23.07.2016 arrived at by the parties before the Mediation Centre, Tis Hazari Courts, Delhi.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 19.04.2013 as per Hindu rites and ceremonies, but due to temperamental differences, the parties could not live together leading to filing of a complaint by the respondent no.2 against the petitioners

as a result whereof the aforesaid FIR was registered.

3. Learned counsel for the petitioners submits that after the filing of the aforesaid FIR, the parties have under the aegis of Mediation Centre, Tis Hazari Courts, Delhi arrived at a settlement on 23.07.2016, whereby they have decided to resolve all their disputes and consequently, the petitioner no.1 and respondent no.2 have decided to part ways amicably. He submits that a decree of divorce by mutual consent dissolving the marriage between the petitioner no.1 and respondent no.2 has already been passed by the learned Family Court, Tis Hazari Courts, Delhi on 28.11.2017. He further submits that the entire agreed amount of Rs.7 lakhs has already been paid to the respondent no.2. He, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

4. The petitioner nos.1 and 3 as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. The petitioner no.2, who is the mother of petitioner nos.1 and 3 is not present in Court and is stated to be indisposed. A copy of the medical certificate issued by Sibal Clinic, Paschim Vihar, New Delhi in respect of petitioner no.2, duly countersigned by the counsel, has been handed over in Court today. The same is taken on record. I have interacted with the respondent no.2, who states that she has decided to resolve her differences with the petitioners of her own free will and has entered into the aforesaid settlement without any coercion. She further states that she has received the entire agreed amount and does not want the aforesaid criminal proceedings to continue as she wants to move on in life and, therefore, does not want any further acrimony

with the petitioners.

5. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the present FIR emanates from a matrimonial dispute, which now stands resolved between the parties, no useful purpose will be served in continuing the criminal proceedings when the parties themselves after resolving their differences, want to move on in life. In my view, the ends of justice demand that the FIR and consequent proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR is quashed, subject to the petitioners depositing a sum of Rs.25,000/- to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within two weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

7. The petition alongwith the pending application is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 13, 2018

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