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

+ CRL.M.C. 1903/2018

SHASHI SHEKHAR

..... Petitioner

Through: Mr.Sandeep Das and Ms.Mehak
Khurana, Advocates with petitioner in
person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through: Mr.Amit Chadda, APP for the State
with W/SI Maya Devi, PS Nihal
Vihar.

Mr.Arun Mahajan, Advocate with
respondent No.2/complainant in
person.

CORAM:

HON'BLE MR. JUSTICE PRATIBHA RANI

ORDER

03.05.2018

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1. The present petition has been filed by the Petitioner under Section 482 Cr.P.C. for quashing of FIR No.382/2014, under Sections 498-A/406/34 IPC registered at P.S. Nihal Vihar, Delhi and the proceedings emanating therefrom, on the basis of settlement arrived at between the parties.

2. Notice. Learned APP for the State/R-1 as well as respondent No.2 accept notice.

3. Briefly stating the facts of the present case are that respondent No.2 got married to petitioner on 31.12.1999 according to Hindu rites and ceremonies. One child namely Baby Saivi was born on 01.09.2010 out of the

said wedlock. However, due to indifferent behavior, the respondent No.2 left the matrimonial home and started living separately since August, 2013. 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 before the Mediation Centre, Tis Hazari Court, vide compromise dated 01.04.2017 and agreed to dissolve their marriage by a decree of divorce by mutual consent. Certified copy of the settlement has been placed on record as Annexure-P3.

5. In terms of full and final settlement arrived at between the parties before the Mediation Centre, Tis Hazari Court, today learned counsel for the petitioner has handed over to respondent No.2 a sum of Rs.10 lakhs by way of Demand Draft No.342301 dated 13.04.2018, which the respondent No.2 has accepted. Copy of the 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 petitioner before Mediation Centre, Tis Hazari Court, Delhi and in terms of said settlement, today she has received Rs.10 lakhs by way of demand draft from the petitioner. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioner.

7. Learned counsel for the parties submit that after the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioner, 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 petitioner, 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.382/2014, under Sections 498-A/406/34 IPC registered at P.S. Nihal Vihar, Delhi and consequential proceedings arising therefrom are hereby quashed. The Parties shall remain bound by the terms and conditions of settlement dated 01.04.2017 arrived at before Mediation Centre, Tis Hazari Court, copy of which is placed on record as Annexure-P3.

10. As prayed, copy of the order be given dasti to learned counsel for the parties under the signature of Court Master.

PRATIBHA RANI, J.

MAY 03, 2018

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