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

+ CRL.M.C. 2296/2018

VIKAS @ VICKY & ORS

..... Petitioners

Through: Mr.Kulbhushan Mehta and Mr.Aditya
Mehta, Advocates.

versus

THE STATE & ANR

..... Respondents

Through: Ms.Kusum Dhalla, APP for the
State/R-1 with SI Ranbir Singh, PS
Nangloi.
Mr.Brijender Singh, Advocate with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATIBHA RANI

ORDER

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02.05.2018

Crl.M.A.No.8161/2018

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

Crl.M.C. No. 2296/2018

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C. praying for quashing of FIR No.145/2012, under Sections 498-A/406/34 IPC registered at P.S. Nangloi, Delhi and the proceedings emanating therefrom against the petitioners.
2. Notice. Learned APP for the State/R-1 and learned counsel for respondent No.2 accept notice.

CRL.M.C. 2296/2018

Page 1 of 3

3. Briefly stating the facts of the present case are that respondent No.2 got married to petitioner No.1 on 20.06.2006 according to Hindu rites and ceremonies. However, due to some temperamental differences, the petitioner No.1 and respondent No.2 could not live together and started living separately since 04.12.2014. 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 petitioners also agreed to pay a sum of ₹1,25,000/- towards full and final settlement. Copy of the decree sheet dated 21.05.2015 regarding dissolution of marriage of the petitioner No.1 and respondent No.2 by mutual consent has also been placed on record (at Page No.75).

5. Learned counsel for the petitioners submits that the petitioners have already paid the settled amount of ₹1,25,000/- to the respondent No.2.

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, she has already received the settled amount of ₹1,25,000/-. 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 submits 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.145/2012, under Sections 498-A/406/34 IPC registered at P.S. Nangloi, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti.

Crl.M.A.No.8162/2018

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 02, 2018

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