

\$~45

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

+ CRL.M.C. 2309/2018

HARJINDER SINGH & ORS

..... Petitioners

Through: Mr.Pramod Kumar, Advocate with
petitioners in person.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Ms.Manjeet Arya, APP for the
State/R-1 with ASI Krishan Pal, PS
Amar Colony.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATIBHA RANI

ORDER

% **02.05.2018**

Crl.M.A.No.8205/2018

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

Crl.M.C. No. 2309/2018

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C. praying for quashing of FIR No.220/2015, under Sections 498-A/406/34 IPC registered at P.S. Amar Colony, Delhi and the proceedings emanating therefrom against the petitioners.
2. Notice. Learned APP for the State/R-1 accepts notice. Respondent No.2 also accepts notice.
3. Briefly stating the facts of the present case are that respondent No.2

got married to petitioner No.1 on 17.04.2011 according to Sikh rites and ceremonies. One child namely Master Devanshjit was born out of the said wedlock. However, due to incompatible behavior of the parties, they started living separately since 10.01.2009. 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, Shahdara, Karkardooma Court, Delhi. Copy of the proceedings before the Family Court and the decree sheet dated 17.03.2018 regarding dissolution of marriage of the petitioner No.1 and respondent No.2 by mutual consent has also been placed on record (at Page Nos.44 to 51).

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.880395 dated 26.04.2018 for a sum of ₹50,000/- 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 ₹50,000/- 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 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.220/2015, under Sections 498-A/406/34 IPC registered at P.S. Amar Colony, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti.

PRATIBHA RANI, J.

MAY 02, 2018

'st'