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

+ CRL.M.C. 2324/2018

RAM KISHAN @ SONU & ORS Petitioners

Through: Ms.Jyoti Gupta, Advocate.

versus

STATE & ANR Respondents

Through: Mr.M.P.Singh, APP for the State with
SI Naresh Kumar, PS Geeta Colony.
Mr.Chandarkant Khairwa, Advocate
with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE PRATIBHA RANI

ORDER

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03.05.2018

Crl.M.A.No.8269/2018

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

CRL.M.C. 2324/2018

1. The present petition has been filed by the Petitioners under Section 482 Cr.P.C. for quashing of FIR No.02/2015 under Sections 498-A/406/34 IPC, P.S. Geeta Colony, Delhi as well as consequential proceedings emanating therefrom.
2. Briefly stating the facts of the present case are that respondent No.2 got married to petitioner No.1 on 28th February, 2002 according to Hindu rites and ceremonies. It is further mentioned in the petition that the

petitioner No.1 and respondent No.2 could not live together and started living separately with effect from 4th January, 2013. Thereafter, respondent No.2 filed a criminal complaint against the petitioners in CAW Cell, East District, Krishna Nagar, Delhi which resulted into registration of FIR in question. It is mentioned in the petition that during the pendency of above proceedings, with the intervention of relatives and well wishers, both the parties have settled all their disputes amicably and agreed to dissolve their marriage by a decree of divorce by mutual consent. The copy of compromise deed dated 1st June, 2015 is annexed along with this petition as Annexure 'B'.

3. As per the terms of settlement, the petitioner No.1 and respondent No.2 agreed to dissolve the marriage by mutual consent and the respondent No.2 has settled her claim towards remaining/left over *stridhan* articles, maintenance (past, present and future) and permanent alimony for a total sum of ₹2,50,000/- (Rupees Two Lacs Fifty Thousand only), which was agreed to be paid in the following manner:

- (i) ₹1,25,000/- at the time of recording statement of the parties in the First Motion Petition.
- (ii) ₹1,25,000/- at the time of recording statement of the parties in the Second Motion Petition.

4. It is also mentioned in the petition that the marriage between the petitioner No.1 and respondent No.2 has been dissolved on 16th March, 2016 by a decree of divorce by mutual consent passed by the Principal Judge, Family Court, East District, Vishwas Nagar, Delhi.

5. Respondent No.2 is present in person and submits that she has settled the matter with the Petitioners and in terms of said settlement, she has

already received the entire amount from the Petitioners. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioners.

6. The FIR registered against the present petitioners is for committing the offences punishable under Sections 498-A/406/34 IPC. Offence punishable under Section 498-A IPC is a non-compoundable offence.

7. In view of the legal position laid down in *Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257* and 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 futility and wastage of precious time of the Court.

8. Accordingly, in terms of the settlement case FIR No.02/2015 under Sections 498-A/406/34 IPC, P.S. Geeta Colony, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

MAY 03, 2018

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