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

+ **CRL.M.C. 4219/2018 & CRL.MA.30373/2018**

SOURABH SHARMA Petitioner

Through Mr.M.Husain, Adv.

versus

STATE OF NCT OF DELHI Respondent

Through Mr.Raghuvinder Verma, APP with SI
Dinesh Kumar, PS Welcome.
Mr.Narender Kumar, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **14.11.2018**

1. Learned counsel for the petitioner hand over the amended memo of parties impleading the two remaining accused persons as petitioners No.5 and 6. The same is taken on record.
2. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.0402/2016 u/s 498A/406/34 IPC registered at Police Station Welcome, Delhi and all proceedings emanating therefrom.
3. Mr.M.Husain, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 29.04.2016 as per Hindu rites and ceremonies. However, due to temperamental differences, they could not adjust with each other and, therefore, started living separately w.e.f.

07.05.20216. As a result thereof, the respondent no.2 made a complaint against the petitioners, leading to the registration of the aforesaid FIR.

4. Mr.M.Husain further submits that the parties have now resolved their differences amicably and have decided to part ways. Furthermore, a decree of divorce dissolving the marriage between the petitioner no.1 and respondent no.2 has already been passed by the learned Family Court, Sonipat on 11.01.2018 and the entire agreed amount of Rs.4 lakhs has already been paid to the respondent no.2. He further submits that the respondent no.2 has already re-married and the petitioners volunteer to pay costs as may be directed by this Court and therefore prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

5. The petitioners as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have also interacted with the respondent no.2, who states that though she has decided to resolve her differences with the petitioners of her own free will and has entered into the settlement without any coercion, but the petitioners are still trying to interfere in her marital life. At this stage, learned counsel for the petitioners states that henceforth the petitioners will have no concern with the respondent no.2 and undertake that they will not say anything about respondent no.2 to anyone or on any social networking site and will not interfere in her life in any manner.

6. In view of the undertaking given by the petitioners in Court, the respondent no.2 states that since she has already received the entire

agreed amount, she 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.

7. I have considered the submissions of the learned counsel for the parties and perused the record. While binding the petitioners to their undertaking and keeping in view the fact that the present FIR emanates from a matrimonial dispute which now stands resolved between the parties, I am of the considered opinion that no useful purpose will be served in continuing the criminal proceedings when the parties themselves have already resolved their differences and want to move on in life. The ends of justice demand that the FIR and consequent proceedings be quashed.

8. Accordingly, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioners paying a sum of Rs.25,000/- as costs to Delhi High court Advocates Welfare Trust within two weeks. A copy of the receipt of costs will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

NOVEMBER 14, 2018

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