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

+ **CRL.M.C. 2910/2018**

RAJESH KUMAR Petitioner
Through **Mr.R.K. Bharani, Adv.**

versus

STATE & ORS. Respondents
Through **Mr.Amit Chadha, APP for the State.**
SI Ved Pal Sharma, PS Mangol Puri.
Respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% 11.12.2018

Crl.M.A. No.49294/2018 (for condonation of delay)

1. By way of this application, the petitioner seeks condonation of delay in filing the application for placing on record the amended memo of parties along with supporting affidavits of the petitioner nos.2 to 6.
2. Notice. Mr.Chadha, learned APP accepts notice and does not oppose the application.
3. For the reasons stated in the application, the same is allowed. The delay in filing the amended memo of parties and the affidavits of the petitioner nos.2 to 6, is condoned.

Crl.M.A. No. _____/2018 (for exemption from personal appearance)

1. Vide the present application, the petitioner no.3 seeks exemption from personal appearance before this Court. Learned counsel for the petitioner states that the application was duly filed in the Registry but the same has been returned under the objection that all parties must be served. He hands over a copy of the same in Court and prays that the same be taken on record. Keeping in view the fact that the main petition is listed today itself and all other parties are present in Court, the application is taken on record. The Registry is directed to number the same.

2. As per the averments in the application, the petitioner no.3 who is the brother-in-law of the complainant/respondent no.2 and the elder brother of the respondent no.3, is presently employed in Bangalore and could not appear before this Court due to his official commitments. He, therefore, seeks exemption from personal appearance.

3. Notice. Mr.Amit Chadha, learned APP for the State accepts notice does not oppose the application.

4. For the reasons stated in the application, the same is allowed. The respondent no.3 is exempted from personal appearance and shall be represented through Counsel.

CRL.M.C. No.2910/2018

1. Vide the present petition filed u/s 482 Cr.P.C., the petitioners seek quashing of FIR No.2301/2015 registered u/s 498-A/406/34 IPC

and under Section 4 of the Dowry Prohibition Act, 1961, at Police Station Mangol Puri, Outer District, Delhi on the basis of a settlement arrived at between the parties.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent No.2 was solemnized on 13th November, 2013 as per Hindu rites and ceremonies. However, due to temperamental differences, the parties could not reside together and the respondent no.2 left her matrimonial home on 6th June, 2015. Thereafter, the respondent no.2 filed a complaint against the petitioners leading to the registration of the aforesaid FIR.

3. Learned counsel for the petitioners submits that with the intervention of common friends, the parties have now decided to amicably resolve their disputes and part ways. He states that the parties have accordingly entered into a settlement on 1st August, 2016, pursuant where to the respondent no.2 has not only withdrawn her complaint made to the Crime against Women Cell, but the marriage between the petitioner no.1 and respondent no.2 already stands dissolved by a decree of divorce by mutual consent passed on 18th March, 2017 by the learned Family Court, Rohini, Delhi. He also states that the petitioners volunteer to pay costs as may be directed by this Court and, therefore, prays that the captioned FIR and all consequential proceedings be quashed.

4. The petitioner nos.1, 2, 4 & 5 as also the respondent No.2 along with her mother are present in Court and have been identified by the Investigating Officer. I have also interacted with the respondent No.2, who states that she has re-married and thereafter resolved her

disputes with the petitioners of her own free will. She further states that she has entered into a settlement with the petitioners without any coercion. She also states that she wants to move on in life and does not want the criminal proceedings to continue, as it will only lead to further acrimony between the parties. She, therefore, prays that the FIR and all consequential proceedings be quashed.

5. I have considered the submissions of learned counsel for the parties and perused the record. Keeping in view the fact that the present FIR emanates from a matrimonial dispute which already stands resolved amicably between the parties as also the fact that the marriage between the petitioner no.1 and respondent No.2 has been dissolved by a decree of divorce whereafter the respondent no.2 has re-married, no useful purpose would be served in continuing the criminal proceedings against the petitioners. In my view, the ends of justice demand that the FIR and all consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and all proceedings emanating therefrom are quashed, subject to the petitioners paying a sum of Rs.25,000/- as costs to the respondent no.2 within one week from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer.

7. The petition is disposed of in the aforesaid terms.

REKHA PALLI, J

DECEMBER 11, 2018/aa