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

+ **CRL.M.C. 3088/2018**

DEEPAK

..... Petitioner

Through: Mr.Anshul Gupta, Adv. with
petitioner in person.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Ms.Manjeet Arya, APP with SI Vijay
Kumar, PS Burari.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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14.12.2018

1. Vide the present petition u/s 482 Cr.P.C, the petitioner seeks quashing of FIR No.0030/2016 u/s 326 IPC registered at Police Station Burari, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties under the aegis of the Delhi Mediation Centre, Tis Hazari Courts, on 14.12.2016.

2. Learned counsel for the petitioner submits that the marriage between the petitioner and the respondent no.2 was solemnised on 07.03.2014 as per Hindu rites and ceremonies. Due to temperamental differences, the parties could not reside together and the respondent no.2 left her matrimonial home and started living separately thereafter. As a result thereof, the respondent no.2 made a complaint

against the petitioner leading to the registration of the aforesaid FIR.

3. Learned counsel for the petitioners submits that the parties have now, under the aegis of the Delhi Mediation Centre, Tis Hazari Courts, Delhi, resolved their disputes and have entered into a settlement on 14.12.2016, as per which the petitioner and the respondent no.2 have decided to part ways amicably. Pursuant thereto, a decree of divorce dissolving their marriage has already been passed on 03.12.2018 and the entire agreed amount of Rs.2,00,000/- has been paid to the respondent no.2. He submits that the petitioner is willing to pay any further costs that may be directed by this Court and, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

4. The petitioner 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 she has decided to resolve her differences with the petitioner of her own free will and has entered into the settlement without any coercion. She also states that since she has decided to part ways with the petitioner and wants to move on in life, she does not want the aforesaid criminal proceedings to continue as it will not only cause further acrimony between the parties but will also cause hardship to her. She, however, states that the petitioner may be directed not to contact her or any of her family members, post anything regarding her, directly or indirectly, on any social networking site or interfere in her life in any manner.

5. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the

present FIR emanates from a matrimonial dispute, which now stands resolved between the parties, 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. In my opinion, the ends of justice demand that the FIR and consequential proceedings be quashed. However, in view of the apprehension expressed by the respondent no.2, it is deemed appropriate to put the petitioner to terms.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and proceedings emanating therefrom are quashed, subject to the petitioner depositing a sum of Rs.10,000/- with the CRPF Wives Welfare Association in State Bank of India Account No.10591438490 within two weeks from today and filing an undertaking before the learned Trial Court within one week that he will not contact respondent no.2 or any of her family members, not post anything on any social networking site, directly or indirectly regarding the respondent no.2, and not interfere in respondent no.2's life in any manner. A copy of the receipt of deposit of costs as also the aforesaid undertaking will be handed over to the Investigating Officer for production before the learned Trial Court.

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

REKHA PALLI, J

DECEMBER 14, 2018

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