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

+ **CRL.M.C. 3549/2018**

AMIT KUMAR SADH

..... Petitioner

Through Mr.Atul Sharma with Mr.Gagan
Kr.Singhal, Advs.

versus

STATE & ANR.

..... Respondent

Through Ms.Manjeet Arya, APP with ASI
Jatan Swarup, PS Krishna Nagar.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.11.2018

1. Vide the present petition u/s 482 CrPC, the petitioner seeks quashing of FIR No.394/2009 u/s 498A/406/323/341/506/34 IPC registered at Police Station Krishan Nagar, Delhi and all proceedings emanating therefrom, based on a settlement deed dated 08.07.2016 arrived at by the parties before the Mediation Centre, Karkardooma Courts.

2. Mr.Atul Sharma, learned counsel for the petitioner submits that the marriage between the petitioner and the respondent no.2 was solemnised on 25.03.2007 as per Hindu rites and ceremonies, but later it transpired that the respondent no.2 was already married to one Mr.Sushil Kumar from whom she already had two children. He submits that in these circumstances the petitioner filed a petition bearing HMA No.242/2008 on 13.05.2008 seeking decree of nullity of his marriage with respondent no.2. At this stage respondent no.2

as a counterblast made a complaint against the petitioner leading to the registration of the aforesaid FIR.

3. Mr.Sharma submits that the aforesaid HMA filed by the petitioner was allowed and a decree was passed by the learned Additional District Judge on 28.07.2010 declaring the marriage between the petitioner and the respondent no.2 as a nullity. He further submits that in view of the marriage between the petitioner and the respondent no.2 having been declared a nullity, the parties have now arrived at a settlement before the Mediation Centre, Karkardooma Courts on 08.07.2016 and decided to resolve all their disputes. He, 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 aforesaid settlement without any coercion. She further states that 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.

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 and the marriage between the parties has been declared as a nullity by the orders of the learned Additional District Judge, no useful purpose will be served in continuing the criminal proceedings

when the parties themselves after having resolved their differences, want to move on in life. In my view, the ends of justice demand that the FIR and consequent proceedings be quashed.

6. Accordingly, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the respondent no.2 depositing a sum of Rs.5,000/- to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within two weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

NOVEMBER 13, 2018

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