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

+ CRL.M.C. 5063/2018 & CrI.M.A. No.33492/2018

BITTU & ORS

..... Petitioners

Through: Ms.Monika Phartyal & Ms.F. Khan,
Advts. with petitioners in person.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents

Through: Ms.Manjeet Arya, APP with SI Rohit
Chahar, PS Ambedkar Nagar.
Mr.D.K. Shukla, Adv. for R-2 with R-
2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **07.12.2018**

1. Vide the present petition u/s 482 Cr.P.C., the petitioners seek quashing of FIR No.380/2015 u/s 498A/406/34 IPC registered at Police Station Ambedkar Nagar, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties before the Family Court, Saket Court, Delhi on 03.11.2017.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 23.11.2005 as per Hindu rites and ceremonies and they were blessed with a baby boy in the year 2006. Thereafter, due to temperamental differences, they started living separately, as a result whereof the captioned FIR was registered against the petitioners

based on a complaint filed by the respondent no.2.

3. Learned counsel for the petitioners submits that the parties have now, under the aegis of the Counselling Cell, Family Courts, Saket Court, Delhi, resolved their disputes and have entered into a settlement on 03.11.2017. She submits that as per the settlement, the petitioner no.1 and respondent no.2 have decided to part ways amicably and consequently a decree of divorce dissolving their marriage has already been passed by the learned Family Court, Saket, New Delhi on 05.04.2018. She also submits that the custody of the baby boy is also with the respondent no.2 and as per the settlement, the petitioners have already paid a sum of Rs.2,50,000/- to the respondent no.2. She submits that the petitioners are willing to pay any further costs as may be directed by this Court and, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

4. The petitioners as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. Respondent no.2 is also represented by a counsel. I have also interacted with the respondent no.2, who states that she has decided to resolve her differences with the petitioners of her own free will and has entered into the settlement without any coercion. She further states that she has received the entire agreed amount and 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, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

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 view, the ends of justice demand that the FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and proceedings emanating therefrom are quashed, subject to the petitioners remitting a sum of Rs.25,000/- into the account of Master Lakshya Mathur, A/c No.603101011005405 in Vijaya Bank, Greater Kailash-2, New Delhi within eight weeks from today. A copy of the receipt of remittance of the amount will be handed over to the Investigating Officer for production before the learned Trial Court.

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

REKHA PALLI, J

DECEMBER 07, 2018

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