

\$~17

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

+ CRL.M.C. 4209/2018 & CRL.M.A.30323/2018

GURPREET SINGH & ANR

..... Petitioner

Through Mr.Karan Bir Singh, Adv. with
Mr.Gaganpreet Singh, Adv.

versus

STATE & ANR

..... Respondent

Through Mr.Raghuvinder Verma, APP with
ASI Aman Kumar, PS CWC/Nanakpura.
Ms.V.K.Chopra with Mr.Dinesh Kumar, Advs for
R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

14.11.2018

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.167/2009 u/s 498A/406/34 IPC registered at Police Station CWC, Delhi and all proceedings emanating therefrom, based on a Memorandum of Understanding dated 11.10.2017.

2. Mr.Karan Bir Singh, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 10.08.2008 and they were blessed with a baby girl, namely Ms.Navdeep Kaur, on 07.06.2009. However, after the birth of their child, they could not reside together due to temperamental differences. As a result thereof, the respondent no.2 made a complaint against the petitioners, leading to the registration of the aforesaid FIR.

3. Mr.Karan Bir Singh submits that the parties, with the intervention of common friends, have now resolved their differences and have entered into a Memorandum of Understanding dated 11.10.2017, as per which the petitioner no.1 and respondent no.2 have decided to part ways amicably. 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 on 07.04.2018, whereafter the respondent no.2 has re-married on 25.05.2018. He further submits that the entire agreed amount of Rs.13.5 lakhs has already been paid to the respondent no.2. He, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed and submits that the petitioners are willing to pay the costs as may be directed by this Court.

4. At this stage, Mr. Karan Bir Singh submits that the petitioners are not present in Court today as the father of the petitioner no.1 and husband of the petitioner no.2 expired yesterday, i.e., on 13.11.2018. This position is confirmed by the Investigating Officer.

5. The respondent no.2 is present in Court and has 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 petitioners of her own free will and has entered into the aforesaid Memorandum of Understanding 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 she has now re-married and the aforesaid criminal proceedings will cause more hardship to her married life.

6. 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, and since the petitioners have offered to pay the costs imposed by this Court, I find 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. In my view, the ends of justice demand that the FIR and consequential proceedings be quashed.

7. Accordingly, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioners paying a sum of Rs.20,000/- to Ms.Navdeep Kaur (daughter of the petitioner no.1 and respondent no.2) in the account no.08911000015825 within two weeks. Proof of the said payment will be handed over to the Investigating Officer for production before the Trial Court on the next date.

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

REKHA PALLI, J

NOVEMBER 14, 2018

sr