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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 5018/2018

SH. AKHTAR & ORS.

..... Petitioners

Through: Mr.L.P. Singh, Mr.Anil Kumar,
Mr.Gulshan, Mr.Abhinav Nimkar,
Advts.

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr.Amit Chadha, APP with SI S.B.
Sharan, PS Jagat Puri.
Mr.Irfan Khan, 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.797/2014 u/s 498A/406/34 IPC registered at Police Station Jagat Puri, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties before the Delhi Mediation Centre, Karkardooma Courts on 02.02.2018.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.2 and the respondent no.2 was solemnised on 19.05.2013 as per Muslim rites and ceremonies. However, due to temperamental differences, they could not reside together and on 10.10.2013 itself, the respondent no.2 left her matrimonial home and made a complaint against the petitioners leading to the registration of the captioned FIR. Thereafter, the respondent no.2 also filed a

complaint under the Domestic Violence Act and a petition under Section 125 Cr.P.C.

3. Learned counsel for the petitioners further submits that during the pendency of the aforesaid proceedings, the parties have resolved their disputes and have entered into a settlement dated 02.02.2018 under the aegis of the Delhi Mediation Centre, Karkardooma Courts, Delhi. Pursuant thereto, the marriage between the petitioner no.2 and the respondent no.2 stands dissolved by way of a Muslim Divorce Deed dated 17.02.2018. Furthermore, the entire agreed amount of Rs.3 lakhs has already been paid to the respondent no.2. He submits that the petitioner no.2 volunteers to pay any costs or do any social service that may be directed by the 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. The 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 out of her own free will and has entered into the aforesaid settlement without any coercion. She also states that she has received the entire agreed amount of Rs.3 lakhs including her Mehar amount. She further states that since she has decided to part ways with the petitioners amicably, 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, 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 amicably between the parties, no useful purpose will be served in continuing the criminal proceedings, especially when the respondent no.2/complainant herself states that she wants to move on in life. The ends of justice demand that the captioned FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and consequential proceedings are quashed, subject to the petitioner no.2 rendering voluntary services in the nature of serving of tea, dusting, carrying papers etc. at Police Station Jagat Puri for a period of 10 working days between 9.00 a.m. to 6.00 p.m. The petitioner no.2 will report to the Duty Officer at Police Station Jagat Puri at 9.00 a.m. on 09.12.2018 and regularly thereafter for a total period of 10 days. In case, the petitioner no.2 is unable to report on any day for any reason whatsoever, he will give prior intimation thereof to the Duty Officer. Upon completion of 10 days voluntary service by the petitioner no.2 as directed hereinabove, the Investigating Officer will file a compliance report in this Court and also file a copy of the same before the learned Trial Court.

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

REKHA PALLI, J

DECEMBER 07, 2018/gm