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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4671/2018

VINEET KHANNA

..... Petitioner

Through: Mr. Vikram Singh with
Mr. G.B.Sewak, Advs. with
Petitioner in person.

versus

STATE & ANR

..... Respondents

Through: Mr. Mukesh Kumar, APP
ASI Jagbir Singh, Crime Branch.
Respondent no.2 in person with
Baby Riya, daughter.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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29.10.2018

1. Vide the present petition, the petitioner seeks quashing of FIR No.945/2014 registered u/s 498A/406/34 of the IPC at P.S. Vasant Kunj North and all proceedings emanating from the said FIR.
2. Mr. Vikram Singh, learned counsel for the petitioner submits that the marriage between the petitioner and the respondent no.2 was solemnized as per Hindu rites and ceremonies on 16.04.2009 and out of the said wedlock a baby girl, namely Riya, was born who is currently in the custody of the respondent no.2. He submits that soon after the birth of the baby girl, differences arose between the parties and, therefore, they started living separately with effect from 10th

May, 2014, whereafter the respondent no.2 filed a complaint against the petitioner leading to the registration of the aforesaid FIR. However, with the intervention of the elders of their family, the parties have now settled their disputes and have decided to part ways, pursuant where to the first motion for divorce by mutual consent between the parties was allowed by the learned Family Court on 22nd May, 2018. In support of his contention, Mr.Singh hands over a certified copy of the order dated 22nd May, 2018 passed by the learned Family Court, Faridabad, allowing the first motion for divorce by mutual consent between the petitioner and the respondent no.2. Therefore, he prays that the captioned FIR and all consequential proceedings be quashed.

3. The petitioner and the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent no.2 who states that she has voluntarily entered into a settlement with the petitioner and as she wants to move on in life, she does not want to pursue the criminal proceedings any further. She further submits that the amount of Rs.6,00,000/- which was to be paid to her at the time of the second motion for divorce by mutual consent before the learned Family Court, has also been received by her.

4. I have considered the submissions of the learned counsel for the parties and perused the order dated 22.05.2018 passed by learned Family Court, which has been taken on record as I find that the terms of settlement between the parties are duly recorded therein. Keeping in view the fact that the parties have already resolved their differences

and the first motion for divorce by mutual consent between the parties has already been allowed, I am of the considered view that no useful purpose would be served in continuing with the present proceedings.

5. Accordingly, in the interest of justice, the petition is allowed and the caption FIR and all consequential proceedings emanating therefrom are quashed, subject to the petitioner depositing a sum of Rs.25,000/- in a FDR in favour of the minor daughter Ms.Riya through respondent no.2, within two weeks from today. A copy of the receipt of FDR will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

OCTOBER 29, 2018

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