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

+ CRL.M.C. 4854/2018 and Crl.M.A.No.32698/2018 (stay)
SMT. HARBUNS KAUR & ANR.

..... Petitioners

Through: Ms.Diksha Sharma, Advocate.

versus

THE GOVT. OF N.C.T. OF DELHI & ORS.

..... Respondents

Through: Mr.Mukesh Kumar, APP for State
with SI Manoj Kr., PS Ashok Vihar,
Delhi.
Respondent No.3 in person with
counsel.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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30.11.2018

1. Learned counsel for the petitioners at the outset submits that the petitioners could not appear in Court today due to some urgent personal engagement for which they had to go to Jalandhar (Punjab), but in view of the fact that respondent No.3 is present in Court today and does not oppose the petition, he makes an oral request for exemption of the personal appearance of the petitioners in Court today.

2. Respondent No.3, who appears in person along with her counsel, also supports the prayer for personal exemption of the petitioners and states that she also wants the proceedings to come to

an end in an expeditious manner.

3. Keeping in view the aforesaid circumstances, the request of the petitioners is acceded to and the petitioners are exempted from personal appearance in Court today.

4. Vide the present petition, the petitioners seek quashing of FIR No.606/2001, under Sections 498-A/406/34 IPC registered at PS Ashok Vihar, Delhi on the basis of an amicable settlement arrived at between the parties under the aegis of the Delhi Mediation Centre, Rohini Courts, Delhi on 21.09.2013. Learned counsel for the petitioners submits that the marriage between the petitioner No.2 and the respondent No.3 was solemnized on 28.02.1999 as per Hindu rites and ceremonies whereafter they were blessed with a baby girl on 29.07.2000. However, due to temperamental differences disputes arose between the parties resultantly respondent No.3 left her matrimonial home and lodged a complaint against the petitioners leading to the registration of the aforesaid FIR. She further submits that the respondent No.3 had also filed a petition seeking divorce from the petitioner No.2 which stands granted vide order dated 16.05.2006 passed by the learned Additional District Judge, Delhi. She, therefore, prays that in view of the amicable settlement arrived at between the parties, the FIR in question and all consequential proceedings arising therefrom be quashed.

4. The respondent No.3 is present in Court today and has been identified by the Investigating Officer. The respondent No.3 is also represented by her counsel. I have interacted with respondent No.3, who states that she has entered into a settlement with the petitioners

of her own free will and without any coercion. She further submits that after her divorce with the petitioner No.2, she had already re-married and does not want the present proceedings to continue any further, as it will not only lead to further acrimony between the parties but will also disturb her future married life. She also prays that the FIR and all consequential proceedings may be quashed.

5. I have considered the submissions of learned counsel for the parties and perused the record. Keeping in view the fact that the present FIR emanates from a matrimonial dispute which already stands resolved amicably between the parties as also the fact that the respondent No.3 after her divorce from the petitioner No.2 has already re-married, no useful purpose would be served in continuing the criminal proceedings against the petitioners. In my view the ends of justice demand that the FIR and all consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the FIR No.606/2001, under Sections 498-A/406/34 IPC registered at PS Ashok Vihar, Delhi along with all proceedings emanating therefrom are hereby quashed.

7. The petition along with the pending application are disposed off in the aforesaid terms.

REKHA PALLI, J

NOVEMBER 30, 2018

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