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

+ **CRL.M.C. 5005/2018**

RITESH ARORA & ORS.

..... Petitioner

Through Mr.Yogesh K.Chandna, Adv.

versus

STATE & ANR.

..... Respondent

Through Ms.Manjeet Arya, APP with SI
Vikas Sahu, PS Naraina.

Mr.Vipin Mishra, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.11.2018

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.0160/2017 u/s 377/498A/406/34 IPC registered at Police Station Naraina, Delhi and all proceedings emanating therefrom, based on a settlement deed dated 11.10.2017 arrived at by the parties before the Mediation Centre, Patiala House Courts.

2. Mr.Yogesh K.Chandna, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 23.04.2016 as per Hindu rites and ceremonies, but subsequently due to temperamental differences, they could not adjust with each other and therefore, started living separately w.e.f 17.09.2016 whereafter they were blessed with a baby girl namely, Ms.Chahana on 01.03.2017. As a result thereof, the respondent no.2 made a complaint against the petitioners leading to

the registration of the aforesaid FIR.

3. Mr.Chandna submits that the parties, have now resolved their differences and arrived at a settlement before the Mediation Centre, Patiala House Courts, on 11.10.2017. Consequently, the petitioner no.1 and respondent no.2 have decided to part ways and 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 26.05.2018. He further submits that the entire agreed amount of Rs.7 lakhs has already been paid to the respondent no.2. He 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. 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 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 she wants to move on in life and, therefore, does not want any further acrimony with the petitioners.

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 consequent proceedings be quashed.

6. Accordingly, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioners depositing a sum of Rs.25,000/- by way of a FDR in the name of Ms.Chahana through her legal guardian Ms.Mansi Kochhar/respondent no.2. The original FDR will be handed over to the Investigating Officer for onward transmission to the respondent no.2 and a copy thereof be retained by the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

NOVEMBER 13, 2018

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