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

+ CRL.M.C. 5412/2018 & Crl.M.A. No.34860/2018 (for exemption)

DEEPAK KUMAR

..... Petitioner

Through: Mr.Nasimuddin, Adv. with petitioner
in person.

versus

STATE & ANR.

..... Respondents

Through: Mr.Raghuvinder Verma, APP for the
State with SI Ompal Singh, PS
Khajuri Khas
Mr.Nazim Hussain, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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25.10.2018

1. Vide the present petition, the petitioner prays for quashing of FIR No.145/2010 under Sections 498A/34 IPC and Section 4 of the Dowry Prohibition Act registered at P.S. Khajuri Khas, Delhi on the basis of settlement dated 07.11.2014.

2. Learned counsel for the petitioner submits that the marriage between the petitioner and the respondent no.2 was solemnized on 07.02.2003 and they were blessed with a girl child namely, Deepika Bansal, who is under the care and custody of respondent no.2. He submits that based on a complaint by respondent no.2, the aforesaid FIR was registered not only against the petitioner, but also against his family members who were subsequently discharged by the learned

Trial Court.

3. Mr.Nasimuddin submits that after the registration of the FIR, the parties have been residing separately and with the intervention of the Mediation Centre, Karkardooma Centre, Delhi, they have voluntarily entered into a settlement on 07.11.2014 whereby petitioner no.1 and respondent no.2 have decided to part ways. He further submits that pursuant to the settlement, a decree of divorce dissolving the marriage between petitioner no.1 and respondent no.2 has been passed by the Family Courts on 09.03.2016. He therefore, prays that the FIR and the proceedings emanating therefrom be quashed.

4. The petitioner and 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 entered into the aforesaid settlement on her own free will and has received all the amounts payable under the settlement deed. She also prays that the FIR and the consequential proceedings emanating therefrom be quashed, as she wants to live peacefully with her minor daughter.

5. I have considered the submissions of learned counsel for the petitioner and perused the record. I am of the opinion that in the light of the fact that the present FIR arises out of a matrimonial dispute which now stands resolved no useful purpose will be served in prolonging the proceedings and therefore interest of justice demands that the FIR and the consequential proceedings are quashed.

6. Accordingly, the petition is allowed and FIR No.145/2010 under Sections 498A/34 IPC and Section 4 of the Dowry Prohibition

Act registered at P.S. Khajuri Khas, Delhi, is quashed, subject to the petitioner depositing a sum of Rs.5,000/- with the Delhi High Court Lawyers Welfare Trust, within two weeks from today. A copy of receipt of deposit of costs will be handed over to the Investigating Officer who will present the same before the Trial Court.

7. The petition and pending application is disposed of

REKHA PALLI, J

OCTOBER 25, 2018

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