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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 5007/2018 & CRL.M.A.33305/2018

MADAN

..... Petitioner

Through Mr.Abraham, Adv.

versus

STATE & ANR.

..... Respondent

Through Mr.Raghuvinder Verma, APP with
ASI Hawa Singh, PS Nihal Vihar.
Mr.Manoj Kumar, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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01.11.2018

1. Vide the present petition u/s 482 CrPC, the petitioner seeks quashing of FIR No.94/2009 u/s 498A/406/34 IPC at P.S Nihal Vihar, Delhi and all proceedings emanating therefrom, based on a compromise dated 06.07.2013.
2. Mr.Abraham, learned counsel for the petitioner submits that the marriage between the petitioner and the respondent no.2 was solemnised on 24.11.2007 as per Hindu rites and ceremonies, but subsequently they could not adjust with each other due to temperamental differences and started living separately w.e.f March, 2008. As a result thereof, the respondent no.2 made a complaint against the petitioner leading to the registration of the aforesaid FIR.
3. Mr. Abraham submits that the parties with the intervention of the elders have now arrived at a compromise dated 06.07.2013, pursuant where to the petitioner and respondent no.2 have decided to

part ways amicably. He submits that consequently a decree of divorce by mutual consent dissolving the marriage between petitioner and respondent no.2 has already been passed by the learned Family Court on 16.11.2014. He further submits that the entire agreed amount of Rs.95,000/- as per the compromise agreement has already been paid to the respondent no.2 and he, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

4. The petitioner as also the respondent no.2 alongwith her mother 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 petitioner of her own free will and has entered into the compromise without any coercion. She further states that she has received the entire agreed amount and does not want to pursue the aforesaid criminal proceedings as she is already married and wants to move on in life and, therefore, does not want any further acrimony with the petitioner.

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 is quashed, subject to the petitioner depositing a sum of Rs.10,000/- to

the Delhi High Court Staff Welfare Fund within two weeks from today. A copy of the receipt will be handed over to 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 01, 2018

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