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

+ CRL.M.C. 5514/2018

MR. RIKSHIT JHINGAN & ORS Petitioner

Through Mr.Ramanpreet Singh, Adv.

versus

STATE & ANR. Respondent

Through Ms.Manjeet Arya, APP with SI
Raghuveer, PS. Bindapur.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **05.12.2018**

1. At the outset, learned counsel for the petitioners makes an oral request for the exemption from personal appearance of the petitioner no. 3 on the ground that due to professional commitments, he could not come to Delhi as he resides in Mumbai, Maharashtra. The request is not opposed.

2. Accordingly, at the oral request of the learned counsel for the petitioners and in view of the fact that all the other petitioners are present in Court, the petitioner no.3 is exempted from personal appearance before the Court.

3. Vide the present petition, the petitioners seek quashing of FIR No.384/2013 u/s 406/498A/34 IPC registered at P.S Binda Pur, Delhi, on the basis of a settlement deed dated 09.12.2017 entered into by the parties before the National Lok Adhlat, Dwarka.

4. Mr.Ramanpreet Singh, learned counsel for the petitioners

submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 25.04.2012 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 20.12.2012. As a result thereof, the respondent no.2 made a complaint against the petitioners leading to the registration of the aforesaid FIR.

5. Mr.Singh submits that the parties have now arrived at a settlement before the National Lok Adalat, Dwarka Court, New Delhi on 09.12.2017, as per which the petitioner no.1 and respondent no.2 have decided to part ways amicably. Pursuant thereto, 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 29.01.2018 and the entire agreed amount of Rs. Rs.8,75,000/- as per the settlement agreement has already been paid to the respondent no.2. He further submits that the petitioners are willing to bear any costs that may be directed by this Court and, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

6. The petitioner nos.1,2 & 4 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 settlement 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 wants to move on in life and, therefore, does not want any further acrimony with the petitioners.

7. 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 consequential proceedings be quashed.

8. Accordingly, the petition is allowed and the captioned FIR and consequential proceedings are quashed, subject to the petitioners paying a further sum of Rs.25,000/- to the respondent no.2 within 10 days from today. A copy of the receipt of payment of costs to the respondent no.2 will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

DECEMBER 05, 2018

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