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

+ CRL.M.C. 5912/2018 & CrI.M.A. Nos. 47913/2018 & 47914/2018
(for delay)

MR. HARPUNEET SINGH KATHURIA Petitioner
Through Ms.Divyta, Adv. with petitioner in
person.

versus

STATE & ORS. Respondents
Through Mr.Mukesh Kumar, APP for the
State.
W/ASI Vidya, PS Paschim Vihar.
Mr.P.N. Gautam, Adv. with
respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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26.11.2018

1. Vide the present petition u/s 482 Cr.P.C, the petitioner seeks quashing of FIR No.0032/2017 under Sections 498A/406/34 IPC registered at P.S. Paschim Vihar, Delhi and all proceedings emanating therefrom, based on a Memorandum of Understanding dated 6th October, 2017.

2. Learned counsel for the petitioner submits that the marriage between the petitioner and the respondent no.2 was solemnised on 23rd November, 2009 as per Hindu rites and ceremonies and they were blessed with a baby boy on 15th April, 2012. However, due to temperamental differences, the petitioner and respondent no.2 could not adjust with each other and, therefore, started living separately

w.e.f. 20th December, 2015. As a result thereof, the respondent no.2 made a complaint against the petitioner, leading to the registration of the aforesaid FIR on 3rd February, 2017.

3. Learned counsel for the petitioner further submits that the parties have subsequently resolved their disputes and have entered into a Memorandum of Understanding dated 6th October, 2017 whereby they have decided to amicably part ways and the custody of the minor child, namely Master Aarshveer, is to remain with the petitioner. As a consequence thereof, the marriage between the petitioner and respondent no.2 already stands dissolved on 24th July, 2018 and the agreed amount of Rs.34,00,000/- 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 petitioner as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. The respondent no.2 is also duly represented by counsel. I have 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 settlement without any coercion. She further states that she has already 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 petitioner, especially in view of the fact that the custody of the minor child is 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, I am of the considered opinion that no useful purpose will be served in continuing the criminal proceedings when the parties themselves want to move on in life. The ends of justice demand that the FIR and consequential proceedings be quashed.

6. Accordingly, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioner paying a sum of Rs.50,000/- as costs to the Delhi High Court Bar Association Library Fund within two weeks. A copy of the receipt of payment of costs will be handed over to the Investigating Officer for production before the Trial Court.

7. The petition and pending applications are disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 26, 2018/aa