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

+ **CRL.M.C. 5360/2018 & CrI.M.A.34621/2018**

SH. AJAY KUMAR & ANR.

..... Petitioners

Through: Mr.Rajneesh Kapoor & Mr.S.S.
Rawat, Advs. with petitioners in
person.

versus

STATE & ANR.

..... Respondents

Through: Mr.Raghuvinder Verma, APP for the
R-1/State with SI Amit Bhardwaj, PS
Nand Nagri.
Ms.Lekha Bhandari, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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30.10.2018

1. Vide the present petition, the petitioners pray for quashing of FIR No.909/2007 under Sections 498A/406/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act, registered at P.S. Nand Nagri.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 17.02.2002 at Meerut, U.P., according to Hindu rites and ceremonies. He submits that from the said wedlock, the parties were blessed with two children who are now in the custody of respondent no.2. He submits that after a few years of their marriage, the parties

could not live together due to temperamental differences and therefore, started living separately since 21.03.2007. Based on a complaint by respondent no.2, the aforesaid FIR was registered against the petitioners.

3. Learned counsel for the petitioners submits that the parties have now resolved their disputes and accordingly, a settlement has been arrived at between the petitioner no.1 and his wife namely Smt.Kavita before the Principal Judge, Family Court on 10.04.2017. He submits that upon execution of the settlement deed on 10.04.2017, all consequential steps have been taken by them and a decree of divorce by mutual consent has already been passed by learned Family Court dissolving the marriage between the petitioner no.1 and respondent no.2 on 09.07.2018. He therefore, prays that the FIR and the consequential proceedings be quashed.

4. The petitioners and the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent no.2 who submits that she has voluntarily settled her disputes with the petitioners and has entered into the settlement of her own free will and without any coercion. She submits that as she wants to move on in life, she also does not want the proceedings arising out of the captioned FIR to continue any further as continuation of the same would cause hardship to her and her minor children. She however, submits that the petitioners have still not handed over their original SC certificate, to enable her to approach the authorities for similar certificates, in respect of her two children who are in her custody. At this stage, learned counsel for the

petitioners undertakes to provide the original SC certificates by handing over the same to Investigating Officer within two days, who in turn, would hand over the same to the respondent no.2, who will return the original to the petitioners after four weeks.

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, the ends of justice demand that the present proceedings be quashed, as 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.

6. For the aforesaid reasons, the petition is allowed subject to the payment of costs of Rs.10,000/- by the petitioners to the Delhi Police Martyr's Fund, A/c No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within two weeks from today and the FIR No.909/2007 under Sections 498A/406/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act, registered at P.S. Nand Nagri alongwith all consequential proceedings are quashed. The parties would be bound by their statement as recorded in para 3 hereinabove.

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

REKHA PALLI, J

OCTOBER 30, 2018

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