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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5379/2018 & CrI.M.A.34706/2018
RAHUL CHAUHAN & ANR. Petitioners
Through: Mr. Swastik Singh & Mr.
Vikasdeep Sharma, Advocates

versus

STATE & ANR Respondents
Through: Mr. Kamal Kumar Ghei, APP
Mr. Chetan Swarup, Advocate
for respondent No.2

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **23.10.2018**

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.923/2015 under Sections 498A/406/34 of the Indian Penal Code, 1860 (IPC), registered with PS: Sagar Pur, New Delhi and the proceedings emanating therefrom.

Respondent No.2, who is present in Court, is duly identified by her counsel as well as the learned APP and her identity is not disputed.

Respondent No.2, on a query from the Court, submitted that she had entered into settlement with the petitioners on her own free will, without any force or coercion and the present petition may be allowed.

Learned counsel for the petitioners submitted that the aforesaid FIR was lodged on 30.11.2015. Thereafter, in 2016, a case under The Protection of Women from Domestic Violence Act, 2005 ('DV Act')

was filed by respondent No.2 against the petitioners at Mahila Court, Dwarka, New Delhi. Thereafter, petitioner No.1 was arrested on 23.6.2016. However, on 24.6.2016, the petitioner No.1 was granted bail by the Court of the learned MM, Patiala House Court. A chargesheet was filed by the Investigating Officer on 25.1.2017 and the next date fixed before the concerned Court is 31.10.2018.

Learned counsel for the parties submitted that a compromise deed/settlement deed was executed between petitioner No.1 and respondent No.2 on 1.2.2018. Thereafter, in view of the settlement between the parties, the case under the DV Act was withdrawn by respondent No.2 from the Court of learned MM, Dwarka Court, New Delhi, where she acknowledged, before the learned MM, to have received full amount of Rs.4,75,000/- from petitioner No.1 in terms of settlement dated 1.2.2018. Thereafter, petitioner No.1 and respondent No.2 filed a petition for mutual divorce under Section 13B (1) and 13B (2) of the Hindu Marriage Act, 1955 ('HM Act') and on 1.6.2018, a decree for divorce under the HM Act was passed by the Principal Judge, Family court, Patiala House Court, New Delhi.

In view of the aforesaid facts, this Court is of the view that no fruitful purpose would be served in keeping them entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.923/2015, registered with PS: Sagar Pur, New Delhi under Sections 498A/406/34 of the IPC and the proceedings emanating therefrom are quashed.

Petition is disposed of in above terms. Crl.M.A.34706/2018 is also disposed of.

CHANDER SHEKHAR, J

OCTOBER 23, 2018
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