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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5409/2018
SUNNY GAURAV BHAREL & ORS. Petitioner
Through Mr.A.K.Chadha, Adv.
versus
STATE & ANR Respondent
Through Ms.Manjeet Arya, APP with ASI
Santosh Kumar, PS Rani Bhag.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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25.10.2018

1. Vide the present petition, the petitioners seek quashing of the FIR No.325/2012 registered u/s 498A/406 of the IPC at P.S. Rani Bagh and all consequential proceedings emanating from the said FIR on the basis of the settlement arrived at before the learned Metropolitan Magistrate, Mahila Court, Rohini Court on 17.10.2017.
2. Mr.A.K.Chadha, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnized on 30.11.2007 but, due to temperamental differences, they started residing separately w.e.f. July, 2012 and thereafter, the respondent no.2 made a complaint against the petitioners leading to filing of the aforesaid FIR.
3. Mr.Chadha, submits that the parties have now resolved their differences as recorded in the order dated 17.10.2017 passed by the Mahila Court, Rohini Court and consequently a decree of divorce has been passed by the Court on 10.08.2017, whereby the marriage between the petitioner no.1 and the respondent no.2 stands dissolved by mutual consent. He further submits that the amount which the petitioners had undertaken to

pay to the respondent no.2 as per the settlement already stands paid to her and, therefore, prays that the FIR and consequential criminal proceedings be quashed.

4. All the petitioners and respondent no.2 are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent no.2, who states that she has resolved all her differences with the petitioners and wishes to move on in life. She states that she does not want the criminal proceedings to proceed any further as that will cause more hardship to her.

5. I have considered the submissions of learned counsel for the parties and perused the record. Keeping in view the fact that the parties have already resolved their differences and the marriage between the petitioner no.1 and respondent no.2 already stands dissolved by mutual consent as also the fact that the FIR emanates from a matrimonial dispute, I am of the considered view that no useful purpose would be served in continuing with the criminal proceedings. End of justice demand that the FIR and consequential procedure be quashed.

6. Accordingly, in the interest of justice, the petition is allowed and the captioned FIR and all consequential proceedings emanating therefrom, are quashed subject to the petitioners paying a sum of Rs.20,000/- to the Delhi High Court Staff Welfare Fund within two weeks. A copy of the receipt of deposit of costs will be handed over to the Investigation Officer, who will produce the same before the Trial Court.

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

OCTOBER 25, 2018/sr

REKHA PALLI, J