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

+ CRL.M.C. 5463/2018

MANOJ KUMAR

..... Petitioner

Through: Mr. Padam Kumar with
Petitioner in person.

versus

STATE & ANR

..... Respondent

Through: Mr. Raghuvinder Verma, APP with
SI Birender Singh, PS Dwarka North.
Respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **29.10.2018**

1. Vide the present petition, the petitioner has prayed for quashing of FIR No.555/2015 registered under Sections 406/498A/34 of the IPC at P.S. Dwarka North and all proceedings emanating therefrom.
2. Mr. Padam Kumar, learned counsel for the petitioner submits that the marriage between the petitioner and the respondent no.2 was solemnized on 28.04.2007 as per Hindu rites and ceremonies and they were blessed with a baby boy, namely Adhwan, on 21.01.2009. However, due to temperamental differences, the parties could not reside together, leading to the registration of the aforesaid FIR. Mr.Kumar submits that the matter has now been settled between the parties and the respondent no.2 has been paid a sum of Rs.4,00,000/- and their marriage already stands dissolved by mutual consent. He

further submits that the petitioner is regularly paying the school fees of the minor child who is in the custody of the respondent no.2.

3. The petitioner and respondent no.2, who are present in Court, have been identified by the Investigating Officer and they have been heard in the Chamber. The petitioner voluntarily submits that instead of paying only the school fees of the minor child Adhwan, he is agreeable to pay a sum of Rs.10,000/- per month to respondent no.2 for the educational and other needs of his minor child. He undertakes to pay the said amount regularly to respondent no.2. He further agrees that the said amount would be revised to Rs.12,000/- per month with effect from 1st October, 2021 and would thereafter be again revised to Rs.15,000/- per month with effect from 1st October, 2024.

4. In view of the aforesaid undertaking given by the petitioner in Court, the respondent No.2 also prays that since she has resolved all her differences with the petitioner and wishes to move on in life, the FIR and consequential proceedings be quashed.

5. Keeping in view the fact that the parties have already resolved their differences and the marriage between the petitioner and respondent no.2 already stands dissolved by mutual consent, I am of the view that no useful purpose would be served in continuing with the present proceedings.

6. Accordingly, while binding the petitioner to his aforesaid statements, in the interest of justice, the petition is allowed and the captioned FIR and all consequential proceedings are quashed.

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

the above terms.

8. The Order sheet is directed to be signed by the parties.

OCTOBER 29, 2018
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REKHA PALLI, J