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

+ CRL.M.C. 5552/2018 & CrI.M.A. No.35399/2018 (for exemption)

AJIT KUMAR & ORS

..... Petitioners

Through: Mr.A.S. Thapa, Mr.Rajneesh Kapoor
& Mr.S.S. Rawat, Adv. with
petitioners in person.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr.Raghuvinder Verma, APP for the
State with SI Md. Imteyaz Alam, PS
S.B. Dairy.
Mr.Deepak Kumar Srivastav, Adv.
for R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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31.10.2018

1. Vide the present petition under Section 482 Cr. P.C., the petitioners seek quashing of FIR No.400/2013 under Sections 498A/406 IPC registered at P.S Shahbad Dairy and the proceedings emanating therefrom on the basis of a settlement.

2. Mr.A.S. Thapa, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 26.01.2008 and they were blessed with a son on 04.01.2009. However, subsequently, the parties could not reside together due to temperamental differences and started living

separately w.e.f. 20.05.2011 leading to the filing of a complaint by the respondent no.2 before the Crime against the Women Cell, based on which, the aforesaid FIR against the petitioners was registered.

3. Learned counsel for the petitioners submit that subsequently, with the intervention of the elders of the family, the parties have resolved their differences and the marriage between the petitioner no.1 and the respondent no.2 stands dissolved by a decree of divorce passed on 12.04.2018 by the learned Family Court, North Rohini, Delhi. He further submits that the entire settled amount of Rs.9.75 lakhs has already been paid to the respondent no.2. He therefore, prays that the FIR and all proceedings emanating therefrom be quashed.

4. The petitioners as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have also interacted with the respondent no.2, who states that she has resolved all her differences with the petitioners out of her free will and without any coercion. She further states that she does not want the aforesaid criminal proceedings to continue as after her divorce, she wants to move on in life and, therefore, does not want any further acrimony with the petitioners. She also prays that the FIR and all the consequential proceedings be quashed.

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 and the captioned FIR and all proceedings emanating therefore are quashed, subject to the petitioners depositing a further sum of Rs.50,000/- in the form of FDR in the name of Master Vansh through her guardian Ms.Sudesh @ Deepika. The aforesaid FDR will be handed over to the Investigating Officer for forwarding the same to the respondent no.2. A copy of the same will be produced before the learned Trial Court by the Investigating Officer.

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

REKHA PALLI, J

OCTOBER 31, 2018

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