

\$~20

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

+ **CRL.M.C. 5635/2018**

SH. HIRA LAL & ORS.

..... Petitioners

Through

Mr.A.K. Dev, Adv. with
Mr.Amanpreet Kaur, Adv. with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through

Mr.Mukesh Kumar, APP for the
State.
Inspt. Asha, PS Nanak Pura.
Respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

29.11.2018

Crl.M.A. No. _____/2018 (to be numbered)

1. This is an application filed by the petitioner no.6 seeking exemption from personal appearance before this Court. Learned counsel for the petitioners submits that the petitioner no.6 is the sister of petitioner no.1 who is presently stationed at Bihar where her husband, who is an Air Force personnel, is employed. He submits that the petitioner no.6 could, therefore, not come to Delhi and prays that keeping in view the nature of controversy, her personal appearance may be exempted.

2. Issue notice. Mr.Mukesh Kumar, learned APP accepts notice and does not oppose the application.

3. For the reasons stated in the application, the same is allowed. The petitioner no.6 is exempted from personal appearance.

4. The application is disposed of.

CRL.M.C. 5635/2018

1. Vide the present petition under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.50/2016 under Sections 498A/406/34 IPC registered at PS Crime (Women) Cell, Nanakpura and the proceeding emanating therefrom on the basis of a settlement arrived at before the Delhi Mediation Centre on 15.04.2017.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnized on 24.04.2009 as per Hindu rites and ceremonies and they were blessed with a daughter on 02.04.2010. He submits that subsequently due to temperamental differences, the parties could not reside together and based on a complaint lodged by the respondent no.2, the aforesaid FIR was registered. He submits that the parties have now arrived at a settlement and the marriage between the petitioner no.1 and respondent no.2 already stands dissolved on 16.02.2018 and the entire agreed amount of Rs.3 lakhs has been paid to respondent no.2 and, therefore, prays that the FIR and all consequential proceedings emanating therefrom be quashed.

3. The petitioner nos.1 to 5 as also 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 states that she has decided to resolve her differences with the petitioners of her own free will and has entered into the aforesaid settlement dated 15.04.2017

without any coercion. She further states that she has already received the entire agreed amount and though as per the settlement, the minor daughter is in the custody of petitioner no.1, she has also been granted visitation rights. She categorically states that she does not want the aforesaid criminal proceedings to continue as she wants to move on in life and, therefore, does not want any further acrimony with the petitioners.

4. 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, I am of the considered opinion that no useful purpose will be served in continuing the criminal proceedings when the parties themselves want to move on in life. The ends of justice demand that the FIR and consequential proceedings be quashed.

5. Accordingly, the petition is allowed and the captioned FIR and all consequential proceedings are quashed. The petitioners undertake to abide by the terms of settlement.

6. The petition is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 29, 2018/aa