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

+ CRL.M.C. 5584/2018 & CrI.M.A. No.35529/2018 (for exemption)

B C UPRETI & ORS

..... Petitioners

Through: Mr.Amit Khanna & Ms.Preeti Singh,
Advts. with petitioners in person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Ms.Manjeet Arya, APP for the State
with ASI Tej Ram, PS Najafgarh.
Mr.Raj Vardhan, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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01.11.2018

1. Vide the present petition under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.437/2003 under Sections 498A/406 IPC registered at P.S. Najafgarh, Delhi and the proceedings emanating therefrom, on the basis of a settlement dated 23.04.2016 arrived at between the parties before the Delhi Mediation Centre, Dwarka Courts.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.2 and the respondent no.2 was solemnised on 27.11.2001 as per Hindu rites and ceremonies. He submits that they could, however, not live together due to temperamental differences and, therefore, started living separately, whereafter the

respondent no.2 filed a complaint against the petitioners leading to the filing of the captioned FIR.

3. Learned counsel for the petitioners submits that though the trial against the petitioners is ongoing, the parties have now decided to resolve their disputes and have entered into a settlement dated 23.04.2016 before the Delhi Mediation Centre, Dwarka Courts, as per which the petitioner no.2 and the respondent no.2 have decided to part ways. He submits that based on the aforesaid settlement, the marriage between the petitioner no.2 and the respondent no.2 already stands dissolved vide a decree of divorce passed on 11.09.2018 by the learned Family Court, Dwarka Courts and the petitioners have already paid the entire agreed amount of Rs.5,50,000/- to the respondent no.2. He, therefore, prays that the FIR and the consequential proceedings 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 interacted with the respondent no.2 who states that she has resolved her disputes with the petitioners out of her own free will and without any coercion and has received the entire agreed amount of Rs.5,50,000/-. She further states that her marriage with the petitioner no.2 stands dissolved and she does not want to pursue the aforesaid criminal proceedings against the petitioners as she wants to move on in life and does not want any acrimony in her future life. She, therefore, prays that the FIR and 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, 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 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 the proceedings emanating therefrom are quashed, subject to the petitioners paying a sum of Rs.20,000/- as costs to Delhi High Court Staff Welfare Fund within one week. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

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

REKHA PALLI, J

NOVEMBER 01, 2018

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