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

+ CRL.M.C. 5590/2018

GURPREET SINGH REHAL & ORS. Petitioner

Through Mr.Rajiv Bhardwaj, Adv.

versus

STATE & ANR. Respondent

Through Mr.Raghuvinder Verma, APP with SI
Yogesh Kumar, PS Kirti Nagar.
Ms.Shashi Kiran, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **15.11.2018**

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.326/2013 u/s 498A/406 IPC registered at Police Station Kirti Nagar, Delhi and all proceedings emanating therefrom, based on a Memorandum of Settlement deed dated 16.05.2018.

2. Mr.Rajiv Bhardwaj, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 19.02.2010 as per Sikh rites and ceremonies, but subsequently they could not adjust with each other due to temperamental differences and started living separately w.e.f 22.01.2013. As a result thereof, the respondent no.2 made a complaint against the petitioners leading to the registration of the aforesaid FIR.

3. Mr.Rajiv Bhardwaj submits that the parties, have now arrived at settlement dated 16.05.2018, which agreement has been signed and executed on behalf of the petitioner no.1 and the respondent no.2 by

their respective attorney holders. He submits that as per the settlement, the petitioner no.1 and respondent no.2 have decided to part ways amicably and consequently a decree of divorce dissolving their marriage has already been passed by the learned Family Court on 25.09.2018. He further submits that the entire agreed amount of Rs.6 lakhs has already been paid to the respondent no.2 and he, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

4. The petitioner nos. 2 & 3 as also the Ms.Inderpal Kaur Sethi/ mother of the respondent no.2 are present in Court and have been identified by the Investigating Officer. It may be noted that the petitioner no.2 is the mother and general power of attorney holder of the petitioner no.1 and Ms.Inderpal Kaur Sethi, mother of the respondent no.2 has been authorised by way of a special power of attorney to enter into a settlement and make statements on behalf of the respondent no.2 before the Court.

5. I have perused the power of attorneys executed by the petitioner no.1 and respondent no.2 and have also interacted with the Ms.Inderpal Kaur Sethi, who states that respondent no.2 has decided to resolve her differences with the petitioners of her own free will and has entered into the aforesaid settlement without any coercion. She further states that the respondent no.2 has received the entire agreed amount and 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.

6. 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, no useful purpose will be served in

continuing the criminal proceedings when the parties themselves want to move on in life. In my view, the ends of justice demand that the FIR and consequent proceedings be quashed.

7. Accordingly, the petition is allowed and the captioned FIR and all consequential proceedings emanating therefrom is quashed, subject to the petitioners depositing a sum of Rs.25,000/- to the Delhi High Court Staff Welfare Fund within two weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

NOVEMBER 15, 2018

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