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

+ CRL.M.C. 6242/2018 & CRL.MA.49238-39/2018

JATIN KAPOOR & ORS

..... Petitioner

Through Mr.Puneet Kadiyan, Adv.

versus

STATE OF NCT DELHI & ORS

..... Respondent

Through Manjeet Arya, APP with W/SI
Pushpa, PS Anand Vihar.
Mr.Ravi Kumar, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **10.12.2018**

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.0284/2016 u/s 498A/406/377/323/34 IPC and 3/4 Dowry Prohibition Act registered at P.S Anand Vihar, Delhi and all proceedings emanating therefrom, based on a Memorandum of Understanding dated 17.08.2017 arrived at between the parties.

2. Mr.Puneet Kadiyan, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 14.12.2015 as per Hindu rites and ceremonies, but subsequently they could not adjust with each other due to temperamental differences and started living separately w.e.f 26.05.2016. As a result thereof, the respondent no.2 made a complaint against the petitioners leading to the registration of the

aforesaid FIR.

3. Mr.Puneet Kadiyan further submits that the parties have now resolved their disputes and have entered into a Memorandum of Understanding dated 17.08.2017, whereby the petitioner no.1 and respondent no.2 have decided to part ways. Pursuant thereto, a decree of divorce dissolving the marriage between the petitioner no.1 and respondent no.2 has already been passed by the learned Family Court on 06.06.2018 and the entire agreed amount of Rs.10 lakhs has already been paid to the respondent no.2. He states that the petitioners are willing to bear any costs that may be directed by this Court and, therefore, prays that the aforesaid 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 decided to resolve her differences with the petitioners of her own free will and has entered into the settlement without any coercion. She further states that she has received the entire agreed amount and does not want to pursue the aforesaid criminal proceedings as she wants to move on in life and, therefore, does not want any further acrimony with the petitioners.

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, 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. In my view, the ends of justice demand that the FIR and consequential proceedings be quashed.

6. Accordingly, the petition is allowed and the captioned FIR and proceedings emanating therefrom are quashed, subject to the petitioners depositing a sum of Rs.25,000/- as costs to the Home for Leprosy & T.B. Affected Beggars, Tahir Pur, Shahdara, Delhi-110 093, within two weeks from today. A copy of this order be sent to the Superintendent, Home for Leprosy & T.B. Affected Beggars for information. A copy of the receipt of payment of costs will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

DECEMBER 10, 2018

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