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

+ CRL.M.C. 5672/2018

ABHISHEK GULIYA & ORS.

..... Petitioner

Through Mr.Manish Gandhi, Adv.

versus

STATE & ANR.

..... Respondent

Through Mr.Mukesh Kumar, APP with SI
Bharat Lal, PS-Hauz Khas.

Mr.Anup Singh, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **13.11.2018**

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.0104/2017 u/s 498A/406/34 IPC registered at P.S Hauz Khas, Delhi and all proceedings emanating therefrom, on the basis of a settlement dated 24.07.2018 arrived at before the Mediation Centre, Saket Courts.

2. Mr.Manish Gandhi, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 21.04.2015 as per Hindu rites and ceremonies but they could not adjust with each other due to temperamental differences and started living separately w.e.f 06.12.2015. As a result thereof, the respondent no.2 made a complaint against the petitioners leading to the registration of the aforesaid FIR.

3. Mr.Gandhi submits that after the registration of the FIR, the

parties with the intervention of elders, have arrived at a settlement before the Mediation Centre, Saket Courts on 24.07.2018 whereby they have resolved their differences and are now happily living together for almost last four months. He, therefore, prays that the aforesaid FIR and all consequential proceedings emanating therefrom be quashed.

4. At this stage, Mr.Gandhi further submits that the name of petitioner no.2 as per all official documents is Surender Singh but he was commonly known as Sunder Singh and therefore, perhaps because of this reason, his name has been recorded as Sunder Singh instead of Surender Singh in the FIR.

5. The petitioners as also the respondent no.2 alongwith her counsel 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 without any coercion and is now happily residing with the petitioner no.1. She further submits that she does not want the aforesaid criminal proceedings to continue any further as it will hamper her peaceful matrimonial life.

6. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the FIR emanates from a matrimonial dispute which already stands resolved and the petitioner no.1 and respondent no. 2 are now living a happy married life and are residing together, no useful purpose will be served in continuing the criminal proceedings. 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 are quashed, subject to the petitioner depositing a sum of Rs.20,000/- with the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 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 learned Trial Court.

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

REKHA PALLI, J

NOVEMBER 13, 2018

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