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

+ CRL.M.C. 5695/2018 & CrI.M.A. No.35947/2018 (for stay)

ARUN TOMAR & ORS

..... Petitioners

Through

Mr.Lakshay Dhamija, Adv. with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through

Mr.Mukesh Kumar, APP for the
State.
Investigating Officer, PS Amar
Colony.
Mr.S. Rastogi, Adv. with respondent
no.2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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14.11.2018

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.650/2016 u/s 498A/406/376/34 IPC registered at P.S Amar Colony, New Delhi and all proceedings emanating therefrom, on the basis of a settlement entered into between the parties.

2. Mr. Lakshay Dhamija, learned counsel for the petitioners submits that the marriage between the petitioner no.2 and the respondent no.2 was solemnised on 24.02.2016 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 13.03.2016. As a result thereof, the respondent no.2 made a complaint against the petitioner no.1 (father-in-law), petitioner no.2 (husband) and petitioner no.3 (mother-in-law), leading to the registration of the aforesaid FIR. It is further submitted that during the investigation of the captioned FIR, on the basis of a settlement between the parties, the petitioner no.2 & respondent no.2 filed a petition for divorce by mutual consent, pursuant whereunto a decree of divorce dissolving the marriage of the petitioner no.2 and respondent no.2 was passed by the Principal Judge, Family Courts, Mainpuri on 10.02.2018. He, therefore, prays that the captioned FIR and all proceedings emanating therefrom be quashed.

3. 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 resolved her differences with the petitioners out of her own free will and without any coercion. She further submits that she is now happily residing separately from the petitioner no.2 and does not want the aforesaid criminal proceedings to continue any longer as it will further disturb her life.

4. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the captioned FIR emanates from a matrimonial dispute which already stands resolved as also the fact that the petitioner no.2 and respondent no. 2 are now living separately, I find that no useful purpose will be served in continuing with the criminal proceedings. In my view, the

ends of justice demand that the FIR and consequent proceedings be quashed.

5. Accordingly, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioners depositing a sum of Rs.10,000/- each with Delhi High Court Advocates Welfare Trust within one week 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.

6. The petition and pending applications are disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 14, 2018/aa