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

+ **CRL.M.C. 6153/2018 & CrI.M.A. No.48833/2018**

MUKESH KUMAR & ORS

..... Petitioners

Through: Mr.S.H. Ansari, Adv. with petitioners
in person.

versus

STATE (GOVT OF NCT OF DELHI & ANR) Respondents

Through: Mr.Mukesh Kumar, APP with SI
Ranbir Singh, PS Nangloi.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **05.12.2018**

1. Vide the present petition u/s 482 Cr.P.C, the petitioners seek quashing of FIR No.57/2007 under Sections 498A/406/34 IPC registered at P.S. Nangloi, Delhi and all proceedings emanating therefrom, based on a settlement dated 19th September, 2017, arrived at between the parties under the aegis of Delhi Mediation centre, Tis Hazari Courts, Delhi on 01.02.2018.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 10.05.2003 as per Hindu rites and ceremonies. However, due to temperamental differences, the petitioner no.1 and respondent no.2 could not reside together w.e.f. 16.01.2007. He submits that

subsequently, the respondent no.2 filed a petition seeking divorce under Section 13(1)(ia)(ib) of the Hindu Marriage Act, which was granted ex-parte on 11.10.2010. He further submits that after a period of another five years, the respondent no.2 made a complaint against the petitioners leading to registration of the captioned FIR.

3. Learned counsel for the petitioners submits that the parties have now, under the aegis of aegis of Delhi Mediation centre, Tis Hazari Courts, Delhi, resolved their disputes and have entered into a settlement on 01.02.2018. He submits that in accordance with the settlement, the entire agreed amount of Rs.1,85,000/- has already been paid to the respondent no.2. He further submits that the respondent no.2 has re-married 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 interacted with the respondent no.2, who states that she has already re-married and has a baby girl from her second marriage. She further submits 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 already 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 as it will only hamper her matrimonial life now. She therefore, prays that the aforesaid FIR and all proceedings emanating therefrom 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 between the parties and also the fact that the respondent no.2 has re-married and has a baby girl from her second marriage, I am of the considered opinion that no useful purpose will be served in continuing the criminal proceedings when the parties themselves want to move on in life. The ends of justice demand that the FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioners paying a sum of Rs.10,000/- as costs to the Home for Leprosy & T.B. Affected Beggars, Tahir Pur, Shahdara, Delhi-110 093, within six 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 and pending application are disposed of in the above terms.

REKHA PALLI, J

DECEMBER 05, 2018

gm