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

+ **CRL.M.C. 5891/2018**

MUKESH GARG & ORS

..... Petitioners

Through

Mr.Vikram Aggarwal, Adv. with
Mr.Pushkar Aggarwal, Adv. with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through

Mr.Mukesh Kumar, APP for the State
with SI Rawat Singh, PS Tilak Nagar.
Respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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26.11.2018

1. Vide the present petition u/s 482 Cr.P.C, the petitioners seek quashing of FIR No.91/2012 under Sections 498A/406/34 IPC registered at P.S. Tilak Nagar, Delhi and all proceedings emanating therefrom, based on a Memorandum of Settlement dated 8th September, 2017 .

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 17th April, 1999 as per Hindu rites and ceremonies. After living together for ten years, the petitioner no.1 and respondent no.2 were blessed with three children However, due to temperamental differences, they could not adjust with each other and, therefore,

started living separately w.e.f. 4th May, 2009. As a result thereof, the respondent no.2 made a complaint against the petitioners, leading to the registration of the aforesaid FIR on 6th March, 2012.

3. Learned counsel for the petitioners further submits that the parties have subsequently resolved their differences and have entered into a settlement agreement with the help of the Lok Adalat, whereby the parties have decided to amicably part ways. He submits that according to the said settlement, the custody of all the three children will remain with the petitioner no.1 and the respondent no.2 will be paid a sum of Rs.1,50,000/-. Learned counsel for the petitioners further submits that the agreed amount of Rs.1,50,000/- has already been paid to the respondent no.2 in terms of the aforesaid settlement agreement 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 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 especially in view of the fact that the custody of the three children is with the petitioner no.1.

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, 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. Accordingly, 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 Delhi High Court Bar Association Library Fund within two weeks. 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 is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 26, 2018/aa