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

+ CRL.M.C. 5786/2018 & CRL.M.A. 47490/2018

AMIT KATYAL & ORS. Petitioner
Through Ms. Malvika Choudhary, Adv.

Versus

STATE (NCT OF DELHI) & ANR. Respondent
Through Mr. Amit Chadha, APP with ASI
Kunji Lal, PS Hazrat Nizamuddin.
Mr. Dhruv Grover with Ms. Aishwarya, Adv for R-
2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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19.11.2018

1. At the outset, learned counsel for the petitioners has handed over an amended memo of parties in Court, which is taken on record and Mr. Vinay Kumar Katyal, Ms. Rajni Katyal and Ms. Bhavna Katyal are impleaded as co-petitioners.
2. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No. 396/2013 u/s 498A/406/34 IPC registered at Police Station Hazrat Nizamuddin, Delhi and all proceedings emanating therefrom, based on a settlement arrived at between the parties on 24.04.2018 before the Delhi High Court Mediation and Conciliation Centre.
3. Ms. Malvika Choudhary, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and respondent

no.2 was solemnized on 17.03.2005 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 28.06.2013. As a result thereof, the respondent no.2 made a complaint against the petitioners leading to the registration of the aforesaid FIR. She further submits that vide order dated 19.08.2015 passed by the learned Metropolitan Magistrate, no charge was framed against the petitioner nos.2 to 4 though they were sent for Trial while the petitioner no.1 was charged only u/s 498 (A) IPC. Aggrieved by the aforesaid order passed by the learned Metropolitan Magistrate an appeal being RFA No.55/2015 was preferred by the respondent no.2 before this Court.

4. Ms. Choudhary submits that during the pendency of the captioned RFA, the parties were referred for mediation at the Delhi High Court Mediation and Conciliation Centre where they have arrived at a settlement on 24.04.2018, pursuant where to the petitioner no.1 and respondent no.2 have decided to part ways amicably. He submits that consequently 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 29.08.2018. She further submits that the entire agreed amount of Rs.20 lakhs has already been paid to the respondent no.2.

5. Ms. Choudhary further submits that the petitioners are willing to pay costs as may be directed by this Court and prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

6. The petitioner no.1, who is represented through his Special

Power of Attorney namely Mr.Lalit Chand, petitioner nos.2 to 4 as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. Respondent no.2 is also represented by a counsel. 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.

7. 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 want to move on in life. In my view, the ends of justice demand that the FIR and consequent proceedings be quashed.

8. Accordingly, the petition is allowed and the captioned FIR alongwith all proceedings emanating therefrom are quashed, subject to the petitioners depositing a sum of Rs.50,000/- with the Delhi High Court Advocates Welfare Trust within one week. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

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

NOVEMBER 19, 2018/ sr

REKHA PALLI, J