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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5775/2018 & CRL.M.A. 47427-47428/2018**

ARUN MITTAL & ORS. Petitioner
Through Mr.Rajat Aneja with Ms.Chandrika
Gupta, Advs.
versus

STATE & ANR. Respondent
Through Mr.Raghuvinder Verma, APP with SI
Vikar Singh, PS Bindapur.
Mr.Vikram V.Minhaj, Adv for R-2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
ORDER
% **16.11.2018**

1. Vide the present petition u/s 482 CrPC, the petitioner seeks quashing of FIR No.393/2012 u/s 498A/406/34 IPC registered at Police Station Binda Pur, Delhi and all proceedings emanating therefrom.

2. Mr.Rajat Aneja, learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 08.11.2011 as per Hindu rites and ceremonies, but subsequently, they could not adjust with each other due to temperamental differences and started living separately w.e.f 26.05.2012. As a result thereof, the respondent no.2 made a complaint against the petitioners leading to the registration of the aforesaid FIR.

3. Mr.Rajat Aneja submits that while the criminal proceedings were underway, the respondent no.2 filed a petition bearing HMA No.730/2014 seeking divorce u/s 13(1)(i-a) and 13(1)(i-b) of the

Hindu Marriage Act, which was allowed and a decree of divorce dissolving the marriage between petitioner no.1 and respondent no.1 was passed on 03.08.2016. He further submits that after the passing of the divorce decree, the parties have mutually resolved their differences and have entered into a settlement.

4. Learned counsel for the petitioners submits that the petitioners volunteer to pay costs as may be directed by this Court and prays that in view of the dispute between the parties having been resolved and the fact that the respondent no.2 has already re-married, the aforesaid FIR and all proceedings emanating therefrom be quashed.

5. The petitioners as also Ms.Rajni Malik/mother of respondent no.2 are present in Court and have been identified by the Investigating Officer. It may be noted that the mother of the respondent no.2 has been authorised by way of a special power of attorney executed by respondent no. 2 to make statements on her behalf before the Court. I have also interacted with Ms. Rajni Malik, who states that her daughter i.e. the respondent no.2 has decided to resolve her differences with the petitioners out of her own free will and without any coercion. She further submits that since respondent no.2 has already re-married, she does not want any further acrimony with the petitioners and therefore does not want the aforesaid criminal proceedings to continue.

6. 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, which fact is stated not only by Ms.

Rajni Malik, the mother and power of attorney holder of respondent no.2 but is also supported by respondent no.2's affidavit that no useful purpose will be served in continuing the criminal proceedings when the parties themselves have already resolved their differences and want to move on in life. 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 petitioners paying a sum of Rs.30,000/- as costs to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within ten days from today. A copy of the receipt of costs will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

NOVEMBER 16, 2018

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