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

+ **CRL.M.C. 5951/2018 & CrI.M.A. No.48085/2018**

SUNIL RAWAL & ORS

..... Petitioners

Through: Mr.Dhruv Chawla & Mr.Sunil
Verma, Advs. with petitioners in
person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondent

Through: Mr.Raghuvinder Verma, APP for the
State with SI Mukesh Yadav, PS
Jagat Puri.
Mr.Saurabh Aggarwal, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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27.11.2018

1. Vide the present petition u/s 482 Cr.P.C, the petitioners seek quashing of FIR No.572/2014 u/s 498A/34/406 IPC registered at Police Station Jagat Puri, Delhi and all proceedings emanating therefrom, based on a settlement deed dated 28.02.2017 arrived at by the parties with the assistance of the Counselling Cell, Family Courts, Karkardooma, Shahdara, Delhi.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 08.12.2008 as per Hindu rites and ceremonies and they were blessed with a baby girl in September, 2009. However, due to

temperamental differences, they started living separately w.e.f. 19.11.2010, whereafter the captioned FIR was registered against the petitioners based on a complaint filed by the respondent no.2.

3. Learned counsel for the petitioners submits that the parties have now, under the aegis of the Counselling Cell, Family Courts, Karkardooma, Shahdara, Delhi, resolved their disputes and have executed a settlement deed on 28.02.2017. He submits that as per the settlement deed, the petitioner no.1 and respondent no.2 have decided to part ways amicably and consequently a decree of divorce dissolving their marriage has already been passed by the learned Family Courts, Shahdara, Karkardooma, Delhi on 23.04.2018. He also submits that the custody of the baby girl is also with the respondent no.2 and as per the settlement, the petitioners have already paid a sum of Rs.6,70,000/- to the respondent no.2. He submits that the petitioners are willing to pay any further costs as may be directed by this Court and, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

4. 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 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.

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, 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. In my view, the ends of justice demand that the FIR and consequential proceedings be quashed.

6. Accordingly, the petition is allowed and the captioned FIR and proceedings emanating therefrom are quashed, subject to the petitioners paying Rs.50,000/- in the form of an interest bearing FDR in the name of Ms.Kanam, minor daughter of the petitioner no.1 and respondent no.2, through her legal guardian, i.e., Ms.Simran/respondent no.2, within six weeks from today. The FDR will be for a period corresponding with the date on which the minor child will attain the age of majority. The original FDR would be handed over to the respondent no.2 and a copy of the same will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

NOVEMBER 27, 2018

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