

\$~50 & 53

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

+ CRL.M.C. 5845/2018 & CRL.M.A. 47664/2018

SAKSHI BHATIA

..... Petitioner

Through Mr.Ravin Rao, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondent

Through Mr.Mukesh Kumar, APP with SI
Baljor Singh, PS Punjabi Bagh.

Mr.Vijay Kr.Wadhwa with Mr.Arush, Adv for R-
2.

+ CRL.M.C. 5856/2018

ABHISHEK SAHNI & ORS

..... Petitioner

Through Mr.Vijay Kr.Wadhwa with Mr.Arush,
Advs.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Through Ms.Manjeet Arya, APP with SI Baljor
Singh, PS Punjabi Bagh.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **20.11.2018**

1. Vide the present petitions u/s 482 CrPC, the petitioners seek quashing of FIR No.149/2017 u/s 324/506 IPC registered at P.S.Punjabi Bagh, Delhi and FIR No.151/2017 u/s 498A/406/34/377 registered at P.S Crime (Women) Cell Nanak Pura, Delhi and all proceedings emanating therefrom, based on a settlement deed dated 31.07.2018 arrived at before the Family Court, Tis Hazari Courts.

2. For the sake of convenience, the parties are being referred to as per their position in CrI.M.C.No.5856/2018.

3. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 23.11.2015 as per Hindu rites and ceremonies and they were blessed with a baby boy on 14.08.2016. However, subsequently, due to temperamental differences they could not adjust with each other and started living separately w.e.f. 18.08.2016, leading to the registration of FIR No.149/2017 against the respondent no.2 on 05.07.2017, whereafter FIR No.151/2017 was registered against the petitioners on 23.11.2017.

4. Learned counsel for the petitioners submits that the parties have now arrived at a settlement before the learned Family Court, Tis Hazari Courts on 31.07.2018 as per which the petitioner no.1 and respondent no.2 have decided to part ways. Pursuant thereto, 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 24.09.2018. He further submits that though the entire agreed amount of Rs.70 lakhs as per the settlement agreement has already been paid to the respondent no.2, the petitioners are willing to bear the costs as may be directed by this Court. He, therefore, prays that the aforesaid FIRs and all proceedings emanating therefrom be quashed.

5. 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 petitioners and the respondent no.2, who state in

unison that they have decided to resolve their differences of their own free will and have entered into the settlement without any coercion. Respondent no.2 further states that she has received the entire agreed amount of Rs.70 lakhs from the petitioners. The petitioners and the respondents therefore pray that the aforesaid criminal proceedings be quashed as they want to move on in life and do not want any further acrimony with each other.

6. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the aforesaid FIRs emanate from a matrimonial dispute which now stands resolved between the parties, I find 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. In my view, the ends of justice demand that the FIRs and consequential proceedings be quashed.

7. Accordingly, the petitions are allowed and the captioned FIRs alongwith all proceedings emanating therefrom are quashed, subject to the petitioners depositing a amount of Rs.50,000/- as costs to the Delhi High Court Staff Welfare Fund within one week. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

8. The petitions alongwith the pending applications are disposed of in the above terms.


REKHA PALLI, J

NOVEMBER 20, 2018