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

+ **CRL.M.C. 6014/2018**

**RAJESH & ORS.**

..... Petitioners

Through: Mr.Sumit Kumar & Mr.Kishan Pal,  
Advs. with petitioners in person.

versus

**STATE & ANR.**

..... Respondents

Through: Mr.Mukesh Kumar, APP for the State  
with ASI Kanahiya Lal, PS F.  
Colony.  
Counsel for respondent no.2  
(appearance not given) with R-2 in  
person.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

% **29.11.2018**

1. Vide the present petition u/s 482 Cr.P.C, the petitioners seek quashing of FIR No.183/2016 u/s 498A/406/506/34 IPC registered at Police Station New Friends Colony, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties before Mediation Centre, Saket Courts, New Delhi on 23.10.2017.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 05.07.2001 as per Hindu rites and ceremonies and they were

blessed with a baby boy namely, Aarav on 09.03.2008. However, due to temperamental differences, the respondent no.2 left her matrimonial home in July, 2015 and started living separately, 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 Mediation Centre, Saket Courts, New Delhi, resolved their disputes and have entered into a settlement on 23.10.2017. 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, South East, Saket, New Delhi on 07.08.2018. He also submits that as per the settlement, the petitioners have already paid an agreed sum of Rs.5,63,000/- 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 as per the settlement, the custody of the minor child has been handed over to her and 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 complainant herself does not want the proceedings to continue and wants to move on in life. In my view, the ends of justice demand that the FIR and consequential proceedings emanating therefrom, be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and proceedings emanating therefrom are quashed, subject to the petitioners paying Rs.30,000/- in the form of an interest bearing FDR in the name of Master Aarav, minor son of the petitioner no.1 and respondent no.2, through her legal guardian, i.e., Ms.Simran/respondent no.2, within four 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 is disposed of in the above terms.

**REKHA PALLI, J**

**NOVEMBER 29, 2018**

gm