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

+ **CRL.M.C. 5938/2018 & CrI.M.A. No.48026/2018**

RAMESH KUMAR & ORS.

..... Petitioners

Through: Mr.Lalit Narayan Singh, Adv. with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr.Amit Chadha, APP for the State
with SI Beer Pal Singh, PS
Mansarovar Park.
Ms.Jyotsna, 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.62/2000 u/s 498A/34/406 IPC registered at Police Station Mansarovar Park, Delhi and all proceedings emanating therefrom, based on a Memorandum of Understanding dated 17.11.2018 arrived at between the parties.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 30.04.1999 as per Hindu rites and ceremonies. He submits that however, due to temperamental differences, the parties could not live together and in fact started living separately w.e.f. 26.08.1999 itself.

As a result thereof, the respondent no.2 had lodged a complaint against the petitioners leading to the registration of the aforesaid FIR. He further submits that the respondent no.2 had also filed a petition under Section 9 of the Hindu Marriage Act whereafter, the petitioner no.1 had filed a petition under Section 13(i-a) of the Hindu Marriage Act against respondent no.2 seeking divorce. He further submits that during the pendency of the aforesaid two petitions, the matter was amicably resolved between the parties. Accordingly, the marriage between petitioner no.1 and respondent no.2 was dissolved by a decree of divorce passed on 19.10.2005. He submits that although the said amount of Rs.1,15,000/- was paid to the respondent no.2, no steps were taken by the parties to seek quashing of the FIR and other consequential proceedings, even though it had been agreed between the parties that the steps would be taken for quashing of the FIR and consequential proceedings. Learned counsel for the petitioners further submits that in any event, the respondent no.2 had re-married in November, 2005 itself, but still no steps were taken for bringing an end to the criminal proceedings initiated against the petitioners.

3. Learned counsel for the petitioners submits that the parties have now with the intervention of the elders of the common relatives, once again entered into a fresh Memorandum of Understanding on 17.11.2018, and have decided to resolve all their disputes and in these circumstances, the present petition has been filed. He further submits that pursuant to the aforesaid Memorandum of Understanding, a further sum of Rs.30,000/- has been paid to the respondent no.2. He therefore, prays that the FIR and the consequential proceedings be

quashed.

4. The petitioners as also 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 has already re-married in November, 2005 itself and therefore, does not want to pursue the aforesaid criminal proceedings as it will not only create further acrimony between the parties but will also disrupt her marital life. She therefore, prays that the FIR and the consequential proceedings be quashed.

5. The parties also point out that during the last 14 years, the trial has not proceeded at all and in fact, even the statement of respondent no.2 is yet to be recorded. In these circumstances, while expressing anguish at the manner in which the trial has remained pending for the last 14 years, without the statement of respondent no.2 even being recorded, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioners depositing a sum of Rs.15,000/- to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within one week from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

NOVEMBER 27, 2018
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