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

+ **CRL.M.C. 5997/2018**

KUNAL MAGGO & ORS.

..... Petitioner

Through: Ms.Anu Narula & Mr.Lakshay Joshi,
Advts. with petitioner no.1 in person.

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr.Raghuvinder Verma, APP with
WSI Nisha.
Mr.Rahul Tewari, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **28.11.2018**

CrI.M.A. No.48236/2018 (for exemption)

Allowed, subject to all just exceptions.

CrI.M.A. No.48237/2018 (for exemption from personal appearance of P-2 to P-6)

1. This is an application seeking exemption from personal appearance of the petitioner nos.2 to 6 before the Court.

2. Learned counsel for the petitioners submits that the petitioner no.1 is the Power of Attorney holder of the petitioner nos.2 to 6. She submits that petitioner nos.2 and 3 are the aged parents of petitioner no.1 and were, therefore, unable to appear before the Court because of age-related problems. The petitioner nos.4 to 6 are the sisters and brother-in-law of the petitioner no.1 who are living separately and

have minor children and could therefore not appear before the Court today. He submits that the petitioner no.1, the Power of Attorney of petitioner nos.2 to 6, is already present in Court and prays that the aforesaid petitioners be exempted from personal appearance before the Court.

3. Issue notice. Mr. Raghuvinder Verma, learned APP accepts notice for the respondent no.1 and Mr. Rahul Tewari, Advocate accepts notice for the respondent no.2.

4. For the reasons stated in the application, the same is allowed and disposed of.

CRL.M.C. 5997/2018

1. Vide the present petition under Section 482 Cr.P.C, the petitioners seek quashing of FIR No.368/2016 under Sections 498A/406/34 IPC registered at P.S. Patel Nagar, Delhi and all proceedings emanating therefrom, based on a settlement dated 18.04.2017 arrived at between the parties under the aegis of the Delhi Mediation Centre, Tis Hazari Courts, Delhi.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 11.12.2010 as per Hindu rites and ceremonies whereafter, they were blessed with a baby girl on 23.10.2011, who is now under the care and custody of the petitioner no.1. Due to temperamental differences, the petitioner no.1 and respondent no.2 could not reside together and, the respondent no.2, therefore, left her matrimonial home on 06.03.2014 and has been living separately ever since. The respondent no.2 thereafter made a complaint against the petitioners,

leading to the registration of the aforesaid FIR.

3. Learned counsel for the petitioners submits that the parties have now under the aegis of the Delhi Mediation Centre, Tis Hazari Courts, Delhi resolved all their disputes amicably and have entered into a settlement on 18.04.2017. He submits that pursuant to the settlement, the marriage between the petitioner no.1 and respondent no.2 stands dissolved by a decree of divorce passed by learned Family Court, Tis Hazari Courts, Delhi on 17.04.2018 and the agreed amount of Rs.1.5 lakhs has already been paid to the respondent no.2. He, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

4. The petitioners as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. Respondent no.2 is also represented by a counsel. I have also interacted with the respondent no.2, who states that she has decided to resolve her differences with the petitioners out of her own free will and has entered into the aforesaid settlement without any coercion. She also states that since the marriage between her and petitioner no.1 already stands dissolved, she wants to move on in life and does not want the aforesaid criminal proceedings to continue as it will not only cause further acrimony between the parties but also cause hardship to her. She, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

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 amicably between the parties, no useful purpose will be served in continuing the criminal proceedings especially when the respondent no.2/complainant herself states that she wants to move on in life and does not want the proceedings to continue. The ends of justice demand that the captioned FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and all consequential proceedings are quashed.

7. The petition is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 28, 2018

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