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

+ **CRL.M.C. 6025/2018 & CrI.M.A. No.48317/2018**

NAVEEN SINGH & ORS.

..... Petitioners

Through: Ms.Shweta Pathak & Mr.Mohit
Choubey, Advs. with petitioners in
person.

versus

STATE & ANR.

..... Respondents

Through: Mr.Amit Chadha, APP with SI Sneha
Lata, PS Malviya Nagar.
Mr.Nitish Chaudhary, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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29.11.2018

1. Vide the present petition u/s 482 Cr.P.C., the petitioners seek quashing of FIR No.28/2017 u/s 498A/406/34 IPC registered at Police Station Malviya Nagar, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties before the Mediation Centre, Saket Courts, New Delhi on 01.08.2017.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 05.02.2014 as per Hindu rites and ceremonies, but subsequently, they could not adjust with each other due to temperamental differences. The respondent no.2 left her matrimonial home on 24.01.2017 and started living separately. She made a complaint

against the petitioners leading to the registration of the captioned FIR.

3. Learned counsel for the petitioners submits that the parties have now resolved all their disputes amicably under the aegis of the Delhi Mediation Centre, Saket Courts, New Delhi and have entered into a settlement on 01.08.2017. 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 the learned Family Court, Saket, New Delhi on 27.10.2018. She further submits that the respondent no.2 has already been paid a sum of Rs.11 lakhs and a remaining amount of Rs.7 lakhs by way of a cheque has been handed over to respondent no.2 in the Court. She submits on instructions from the petitioners that the said cheque will be duly encashed on presentation. She, 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 parties have decided to part ways amicably, she does not want the aforesaid criminal proceedings to continue as it will not only cause further acrimony between the parties but will also cause hardship to her. She, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed as she wants to move on in life.

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 criminal proceedings to continue any further. 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 proceedings emanating therefrom are quashed, subject to the petitioner paying a sum of Rs.35,000/- as costs to the 'Home for Leprosy and T.B. Affected Beggars' within four weeks from today. The said amount so deposited shall be kept in the saving bank account and shall be utilized to meet the day-to-day urgent needs of the inmates. A copy of this order be sent to the Superintendent, Home for Leprosy and T.B. Affected Beggars, Tahir Pur, Delhi-110093 for information and compliance. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for record.

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

REKHA PALLI, J

NOVEMBER 29, 2018

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