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

+ CRL.M.C. 6059/2018 & CrI.M.A. No.48439/2018 (for exemption)

SANJAY JHA & ORS. Petitioners

Through Mr.Sumit Choudhary, Adv. with
Ms.Aakansha Bansal, Adv.

versus

STATE & ANR. Respondents

Through Mr.Raghuvinder Verma, APP for the
State.
SI Sumit, PS Aman Vihar.
Respondent no.2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **30.11.2018**

1. Vide the present petition under Section 482 Cr.P.C, the petitioners seek quashing of FIR No.251/2011 under Sections 498-A/406/34 IPC registered at P.S. Aman Vihar, Delhi and all proceedings emanating therefrom, based on a Settlement Agreement dated 16th December, 2016 arrived at between the parties under the aegis of the Delhi Mediation Centre, Rohini District 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 8th December, 2004 as per Hindu rites and ceremonies. However, due to temperamental differences, the parties could not reside together and the respondent no.2 left her matrimonial home in a state of

pregnancy on 23rd May, 2009 whereafter, she was blessed with a baby girl on 24th July, 2009 who is in her exclusive custody. He submits that the respondent no.2 thereafter filed a complaint against the petitioners leading to the registration of the aforesaid FIR. He further submits that the parties have now under the aegis of the Delhi Mediation Centre, entered into a settlement and have decided to part ways amicably. In accordance with the terms of the settlement, the marriage between the parties already stands dissolved vide a decree of divorce passed by learned Principal Judge, Family Court, Rohini on 30th October, 2017. The entire agreed amount of Rs.3,00,000/- has been already paid to the respondent no.2. He further 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.

3. 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 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 agreement dated 16th December, 2016 without any coercion. She also states that since the marriage between her and petitioner no.1 already stands dissolved, she does not want the criminal proceedings to continue as she wants to move on in life and does not want any further acrimony with the petitioners.

4. 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, especially when the parties themselves want to move on in life. The ends of justice demand that the captioned FIR and consequential proceedings be quashed.

5. Accordingly, the petition is allowed and the captioned FIR and consequential proceedings emanating therefrom are quashed, subject to the petitioners paying a further sum of Rs.25,000/- to the respondent no.2. The said amount will be paid by way of a demand draft within a period of three weeks which will be handed over to the Investigating Officer for transmission to respondent no.2.

6. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

7. The petition and pending application are disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 30, 2018/aa