

\$~39

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

+ CRL.M.C. 5071/2017

RAJNESH KAUL & ORS Petitioners
Through Ms. Shalini Kaul, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents
Through Mr. Izhar Ahmad, APP with ASI
Balwant, P.S. CAW Cell, Nanakpura
Mr. Tej Kishan Kaul, Attorney/father
of respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **10.07.2018**

Petitioner no. 1 and respondent no. 2 were married on 23rd February, 2008, as per the Hindu rites and ceremonies at Delhi. Thereafter, they moved to Australia. On account of marital discord, they started living separately. Their marriage has already been dissolved by a decree of divorce dated 12th August, 2014 passed by the Federal Circuit Court in Australia (Annexure P-2). Petitioner no. 1 has been represented through his father Sh. Bal Kishan Kaul, who is petitioner no. 3 and also holds a Power of Attorney in his favour executed by petitioner no. 1. Petitioner no. 2 is mother of petitioner no. 1. Respondent no. 2 is being represented through

her father and Attorney Mr. Tej Kishan Kaul. Photocopy of the Power of Attorney executed by respondent no. 2 in favour of her father has been placed on record. Learned counsel for the petitioners and Attorney of respondent no. 2 submit that consent order dated 17th October, 2017 has been passed by the Federal Circuit Court of Australia containing certain terms regarding closure of all cases and distribution of properties. One of the terms, as contained in the order, is with regard to the quashing of present FIR. Mr. Tej Kishan Kaul submits that he has instructions from the respondent no. 2 to convey this court that she has no objection in case FIR no. 118/2012 under Sections 498-A/406/34 IPC registered at police station CAW Cell, Nanakpura and the consequent proceedings emanating therefrom are quashed.

Learned APP submits that petitioner no. 1 has been declared P.O. and a supplementary challan has been filed. Learned counsel for the petitioners submits that since parties have settled the matter, FIR can be quashed, despite the petitioner no. 1 having been declared P.O.

Keeping in mind the fact that present FIR is outcome of a matrimonial disputes between the petitioner no. 1 and respondent no. 2, which stands settled, inasmuch as petitioner no. 1 and respondent no. 2 have parted ways

and have even settled all their other financial aspects, in my view, no fruitful purpose would be served to keep the present criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

JULY 10, 2018
r.bararia