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

+ **CRL.M.C. 90/2018**

GURMEET SINGH & ORS

..... Petitioners

Through: Mr.Roopenshu Pratap Singh, Mr.Vikram
Singh Kushwaha & Mr.Kaushik Barua,
Adv. with petitioner nos.2 and 3 in
person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr.Raghuvinder Verma, APP for the
State with WSI Anita, PS Paschim
Vihar.

Mr.Rakesh Tikku, Sr. Adv. with
Mr.Gaurav Kohli, Adv. for R-2 along
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **14.11.2018**

**CrI.M.A. No.47214/2018 (for exemption from personal appearance
of petitioner no.1)**

1. This is an application under Section 482 Cr.P.C. on behalf of the petitioner no.1 seeking exemption from personal appearance.
2. Issue notice. Mr.Verma, learned APP and Mr.Kohli, Advocate accept notice on behalf of the respondent nos.1 and 2 respectively and do

not oppose the application.

3. It is stated in the application that the petitioner no.1 had duly appeared before this Court on 25.07.2018, but has not been in a position to appear thereafter as he is suffering from severe depression due to the on-going litigation. However, the petitioner nos.2 and 3 who are the parents of the petitioner no.1, have been appearing and are even present in Court today.

4. I am of the considered opinion that even though the grounds set out in the application are not very satisfactory, keeping in view the fact that the respondent no.2 herself does not want to pursue the criminal proceedings against the petitioners, the application deserves to be allowed, subject to the petitioner no.1 filing before this Court an affidavit clearly stating therein that he will neither try to contact the respondent no.2 or her husband, either directly or through his friends/associates, nor will he publish any information or comments relating to respondent no.2 on any forum, including social networking websites.

5. The application is allowed in the aforementioned terms.

CRL.M.C. 90/2018 & Crl.M.A. Nos.34992/2018, 34993/2018

1. Vide the present petition under Section 482 Cr.P.C, the petitioners seek quashing of FIR No.0103/2014 under Sections 498A/420/120B IPC registered at Police Station Sarabha Nagar, Ludhiana which was later on transferred to Police Station Paschim Vihar, Delhi and all proceedings emanating therefrom, on the basis of a Memorandum of Understanding dated 18.03.2017 entered into by 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 01.12.2013 as per Hindu/Sikh rites and ceremonies, but due to temperamental differences, the respondent no.2 started living separately from 22.12.2013 itself. Consequently, the respondent no.2 filed a complaint against the petitioners, leading to the registration of FIR No.54/2014 under Sections 498A/406/34 IPC at PS Paschim Vihar. However, since the parties thereafter started living together, the aforesaid FIR No.54/2014 was quashed by this Court on 07.05.2014.

3. It transpires that since the parties could still not live together peacefully, a further complaint was filed by the respondent no.2 with the SHO, Police Station Sarabha Nagar, Ludhiana, Punjab, as a result whereof FIR No.0103/2014 u/s 498A/420/120B IPC was registered on 09.05.2014. The trial of FIR No.0103/2014 was thereafter transferred to Delhi pursuant to the order dated 14.07.2016 of the Apex Court. It may be noted that vide the said order, two suits, one filed by the petitioner no.2 and the other by one Mr.Kirpal Singh against the petitioner no.1, were also transferred to the competent court which had jurisdiction in Delhi. The said suits are also stated to have been withdrawn.

4. Learned counsel for the petitioners submits that after the trial in FIR No.0103/2014 was transferred to Delhi, the parties have with the intervention of some common friends, resolved their disputes and have entered into a Memorandum of Understanding dated 18.03.2017. Furthermore, the marriage of the petitioner no.1 and respondent no.2

stands dissolved by mutual consent vide a decree of divorce passed on 06.12.2017 whereafter respondent no.2 has married one Mr.M.S. Bhammi and the agreed amount of Rs.2 lakhs has already been paid to the respondent no.2. He, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

5. The petitioner nos. 2&3 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 resolved her disputes with the petitioners of her own free will and has entered into the aforesaid settlement without any coercion. She, however, states that even though the parties have decided to amicably part ways, the petitioners have still been maligning not only her image but also the image of her husband, Mr.M.S. Bhammi. She apprehends that the petitioners will continue defaming her and husband on social media as also by making complaints to various Government officials. When confronted with the aforesaid position, learned counsel for the petitioners as also the petitioner nos.2 and 3 who are present in Court, assure the Court that they will have no connection with the respondent no.2 or her husband and will not indulge in any activity which will cause harassment to the respondent no.2. They undertake to file an affidavit to the aforesaid effect within one week.

6. 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 when the parties themselves after resolved their differences and want to move on in life. In my view, the ends of justice demand that the FIR and consequential proceedings be quashed.

7. For the aforesaid reasons, the petition is allowed and the captioned FIR is quashed, subject to the petitioners filing the affidavits as directed hereinabove and depositing a sum of Rs.25,000/- to the Delhi High Court Advocates Welfare Trust today itself. A copy of the affidavits as also the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned trial Court.

8. The petition alongwith the pending applications are disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 14, 2018

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