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

+ **CRL.M.C. 5533/2017**

SURBHI AGGARWAL & ORS

..... Petitioners

Through : Ms Divya Malhotra, Advocate along
with Petitioners 1 to 3.

versus

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

Through : Mr Akshai Malik, APP.
Mr Pradeep Nawani, Advocate with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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08.01.2018

1. The petitioners seek quashing of FIR No.256/2016 under Sections 420/468/471, Police Station Mianwali Nagar, registered at the complaint of respondent No.2.
2. Petitioner No.1 is the wife of respondent No.2. Petitioner No.2 is the mother of respondent No.1 and petitioner No.3 is the sister of petitioner No.1.
3. The subject FIR was lodged on account of a matrimonial discord between petitioner No.1 and respondent No.2. The parties also have minor girl child aged 8 years.
4. On 02.01.2018, when this petition was listed, respondent No.2

had contended that he had not been able to meet his child. It was directed that respondent No.2 shall take the child to spend a day with the child on 07.01.2018. Parties inform that the order was complied with and the child spent pleasant time with her father.

5. The matter was taken pre-lunch and another opportunity was granted to respondent No.2 to take the child out for lunch. The parties confirm that the meeting was also very amenable.

6. Respondent No.2, who is present in Court and is identified by his counsel as well as the Investigating Officer, submits that he does not wish to press his complaint and has no objection to the quashing of the subject FIR.

7. Parties have also entered into a Compromise Deed dated 11.05.2016. Respondent No.2 had agreed to pay a sum of Rs.22 lakhs to petitioner No.1 for full and final settlement of all her claims towards maintenance, permanent alimony, streedhan, jewellery, marriage expenses etc. for herself as well as for her minor child.

8. Parties have agreed to dissolve their marriage by mutual consent. First Motion has already been allowed and the Second Motion is pending. A sum of Rs.11,50,000/- has been paid to the petitioner No.1 at the time of recording of the statement of the First Motion.

9. Learned counsel for the petitioners has handed over the signed copy of the petition, which was prepared by counsel for respondent

No.2 for moving the Second Motion.

10. The Petitioner No.1, who is present in Court, undertakes that she is agreeable for the divorce and shall be present as and when required for the recording of her statement for the Second Motion.

11. Respondent No.2 submits that he is ready with the balance amount of Rs.11,50,000/-, which shall be paid to the petitioner No.1 at the time of recording of her Statement for the Second Motion.

12. Parties also undertake that the condition with regard to permanent custody being retained by petitioner No.1 and visitation right being provided to respondent No.2 twice in a month, i.e. second and fourth Saturday/Sunday shall be abided. It is however agreed that in case there is any difficulty with the child on account of her health, examinations or some travelling plans for the child, the same may be mutually varied.

13. In view of the above and keeping in view of the fact that the FIR emanates from matrimonial discord and the parties have resolved their disputes and respondent No. 2 does not wish to press his complaint, there would be no purpose in continuing with the prosecution. No fruitful purpose would be served in continuing with the prosecution.

14. Learned Additional Public Prosecutor informs that the charge sheet has already been filed.

15. Keeping in view the peculiar facts of the case and keeping in view the interest of the minor child, I am of the view that it would be expedient and in the interest of justice that the subject FIR and the consequent proceedings are quashed and extraordinary discretion under Section 482 of the Code of Criminal Procedure be exercised in the present case.

16. Accordingly, the petition is allowed. FIR No. 256/2016 under Sections 420/468/471, Police Station Mianwali Nagar, and the consequent proceedings arising therefrom are hereby quashed.

17. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

JANUARY 08, 2018

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