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

+ CRL.M.C. 6327/2018 & CrI.M.A. No.49549/2018

PANKAJ SHARMA & ORS Petitioners

Through: Mr.Aditya Deshwal, Adv. with
petitioners in person.

versus

THE STATE (NCT OF DELHI) & ANR Respondents

Through: Mr.Mukesh Kumar, APP with SI
Mintu Singh, PS Geeta Colony
Mr.Ashish Negi, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **13.12.2018**

1. Vide the present petition u/s 482 Cr.P.C, the petitioners seek quashing of FIR No.0392/2014 u/s 498A/406/34 IPC registered at Police Station Geeta Colony, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties under the aegis of the Delhi High Court Mediation and Conciliation Centre on 25.03.2015.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 07.12.2012 as per Hindu rites and ceremonies. Due to temperamental differences, the parties could not reside together for a long time and the respondent no.2 left her matrimonial home on

10.06.2013 and started living separately thereafter. As a result thereof, the respondent no.2 made a complaint against the petitioners leading to the registration of the aforesaid FIR. He further submits that the petitioner no.1 was arrested in connection with the aforesaid FIR and during the hearing of his bail application, the parties were referred to the Delhi High Court Mediation and Conciliation Centre where, on 25.03.2015, they decided to resolve all their disputes amicably and part ways.

3. Learned counsel for the petitioners further submits that as per the settlement arrived at by the parties on 25.03.2015, a decree of divorce dissolving the marriage between the petitioner no.1 and respondent no.2 has already been passed by the learned Family Court, Karkardooma Courts, Delhi on 05.06.2017 and the entire agreed amount has been paid to the respondent no.2. 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 of her own free will and has entered into the settlement without any coercion. She further states that she has received the entire agreed amount of Rs.4 lakhs and does not want to pursue the aforesaid criminal proceedings as it will cause hardship to her and as she wants to move on in life, she does not want any further acrimony with the petitioners.

5. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the captioned 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 have already 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.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and proceedings emanating therefrom are quashed, subject to the petitioners depositing a sum of Rs.20,000/- to the BSF Welfare Fund, A/c No.10591438648, IFSC Code SBIN0007837 within four weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

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

REKHA PALLI, J

DECEMBER 13, 2018

gm