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

+ **CRL.M.C. 6292/2018**

MOHIT TYAGI & ORS

..... Petitioners

Through: Ms.Bhavya Chauhan, Ms.Akansha
Malhotra & Ms.Rashi Rampal, Adv.
with petitioners in person.

versus

THE STATE & ANR

..... Respondents

Through: Mr.Mukesh Kumar, APP with SI
Lokesh Singh, PS Bhalswa Dairy.
Mr.Ankit Khatri, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **12.12.2018**

1. Vide the present petition u/s 482 Cr.P.C, the petitioners seek quashing of FIR No.0814/2015 u/s 498A/406/34 IPC registered at Police Station Bhalswa Dairy, Delhi and all proceedings emanating therefrom, on the basis of a Memorandum of Understanding executed between the parties on 06.02.2018.

2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised on 14.07.2013 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 10.06.2014 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.

3. Learned counsel for the petitioners further submits that with the intervention of common friends and elder members of the family, the parties have now arrived at a settlement and executed a Memorandum of Understanding dated 06.02.2018, as per which the petitioner no.1 and the respondent no.2 have decided to part ways amicably. She submits that as per the settlement, 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, Rohini, Delhi on 15.05.2018 and the entire agreed amount has already 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 and does not want to pursue the aforesaid criminal proceedings as it will cause hardship to her and she wants to move on in life and, therefore, 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 Delhi High Court Bar Association Library Fund 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 in the above terms.

REKHA PALLI, J

DECEMBER 12, 2018

gm