

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

Date of decision: November 22, 2019

+ **CRL.M.C. 5944/2019 & Crl.M.A. 40861/2019**

SH. SUNIL KUMAR & ANR. Petitioners

Through: Mr. Nagendera Lakra, Advocate
with petitioners in person

Versus

STATE & ANR. Respondents

Through: Mr. Amit Ahlawat, Additional
Public Prosecutor for State with SI
Sunil
Mr. R.K.Pillai, Advocate with
respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

JUDGMENT

BRIJESH SETHI, J (oral)

Quashing of FIR No. 661/2015, under Sections 498-A/406/506-II/34 IPC, registered at police station Nagloi, Delhi is sought by petitioners on the ground that the matrimonial dispute between petitioner No.1-husband and respondent No.2-wife stands amicably settled in terms of Memorandum of Understanding of 17th July, 2019 and decree of divorce has been already granted by the Family Court on 16th September, 2019.

Notice.

Mr. Amit Ahlawat, Additional Public Prosecutor for respondent No.1/State submits that respondent No.2 is present in the Court and she has been duly identified to be complainant of FIR in question on the basis of identity proof furnished by her.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved in terms of Memorandum of Understanding of 17th July, 2019 and decree of divorce has been already granted by the Family Court on 16th September, 2019 and terms of settlement reached between the parties have been fully acted upon as today, she has received the balance settled amount of Rs.1,00,000/- by way of demand draft bearing No.39190, dated 7th October, 2019, drawn on Union Bank, New Delhi from petitioners.

Mr. Nagendera Lakra, Advocate, appearing for petitioners submits that one of the accused namely, Shri Ramphal, father-in-law of the complainant, has died and death certificate has been placed on record. The factum of death of Shri Ramphal, is confirmed by complainant of this FIR who submits that she is living in the same locality.

Respondent No.2 submits that now, no grievance against petitioners survives and so, the FIR in question and proceedings emanating therefrom be quashed.

Since the subject matter of the FIR in question is essentially matrimonial, which stands mutually and amicably resolved between the parties and decree of divorce has been already granted by the Family Court, no useful purpose would be served in continuation of proceedings

arising out of FIR in question.

In view of the above, FIR No. 661/2015, under Sections 498-A/406/506-II/34 IPC, registered at police station Nagloi, Delhi and the proceedings emanating therefrom, are hereby quashed qua petitioners.

This petition and application stand disposed of.

(BRIJESH SETHI)
JUDGE

NOVEMBER 22, 2019

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