

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

Date of decision: November 04, 2019

+ **W.P.(CRL) 3054/2019 & CRL.M.A. 39279/2019**

RAHUL MEHTA & ANR. Petitioners

Through Ms. Perna Arora, Advocate for
Mr. Vineer Mehta, Advocates

Versus

THE STATE, DELHI & ANR. Respondents

Through Mr. Sanjay Lao, ASC with
Mr. Karanjeet Sharma, Advocate
Ms. Sangya Gupta, Advocate with
respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

JUDGMENT

BRIJESH SETHI, J (oral)

Quashing of FIR No. 50/2019, under Sections 498-A/406/34 IPC, registered at police station Defence Colony, New 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 Settlement Deed of 9th July, 2019 and decree of divorce has been already granted by the Family Court on 11th October, 2019.

Notice.

Mr. Sanjay Lao, Additional Standing Counsel for respondent No.1/State and Ms. Sangya Gupta, Advocate for respondent No.2, accept

notice.

Learned Additional Standing Counsel for 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 matrimonial dispute with petitioners has been amicably resolved in terms of Settlement Deed of 9th July, 2019 and decree of divorce has been already granted by the Family Court on 11th October, 2019 and that now, no grievance against petitioners survives and therefore, the FIR in question and proceedings emanating therefrom be quashed.

Petitioner No.1/husband and respondent No.2/wife, present in the Court, undertake that they will abide by the terms of Settlement Deed of 9th July, 2019 and will not interfere in the life of each other in any manner whatsoever. Petitioner No.1 undertakes that in terms of Settlement Deed of 9th July, 2019, custody of the child born out of this wedlock would exclusively remain with respondent No.2/wife and visitation rights would not be claimed.

The aforesaid undertaking furnished by both the sides is taken on record.

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. 50/2019, under Sections 498-A/406/34 IPC, registered at police station Defence Colony, New Delhi and the proceedings emanating therefrom, are hereby quashed.

This petition and application stand accordingly disposed of.

(BRIJESH SETHI)
JUDGE

NOVEMBER 04, 2019

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