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

+ CRL.M.C. 4136/2019

GAURAV SHARMA

..... Petitioner

Through Mr.Rishi Kumar, Adv. with petitioner
in person.

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through Mr.M.S. Oberoi, APP for State.
SI Anuj Yadav, PS Dwarka North.
Mr.Karan Tarkar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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23.08.2019

Crl. M.A. 34077/2019

Allowed, subject to all just exceptions.

Application is disposed of.

Crl.M.A. 34078/2019

In view of the reasons stated in the present application, delay in refilling the petition is condoned.

The application is disposed of.

Crl.M.C.4136/2019

Vide the present petition, the petitioners seek quashing of FIR No.91/2017 dated 05.04.2017 registered at police station Dwarka North (South West) instituted for the offences punishable under Sections 498A/406/34 of the IPC and consequent proceedings arising therefrom.

Notice issued.

Notice is accepted by learned APP for the State and counsel for the respondent no.2 and with the consent of the counsel for the parties, the present petition is taken up for final disposal.

The petitioner and respondent no.2 got married on 09.05.2016 as per Hindu rites and rituals. No child was born out of the wedlock. On 05.04.2017, respondent no.2 lodged FIR mentioned above for the offences mentioned above against the petitioner.

Due to extreme incompatibilities between the petitioner and respondent no.2, they started living separately and resultant the petitioner filed a petition bearing HMA No.1162/2017 for divorce against the respondent no.2 before the Family Court, Dwarka, New Delhi.

On 18.11.2017, the petitioner and respondent no.2 with the intervention of their well wishers and relatives entered into an amicable settlement before the Family Court and settled all their disputes amicably.

In addition to above, in compliance of settlement dated 18.11.2017, the petitioner and respondent no.2 on 29.11.2017 filed a petition under section 13-B(1) of Hindu Marriage Act, 1955 before the Family Courts and the same has been allowed vide judgment dated 14.12.2017. The petitioner, as per the settlement dated 28.11.2017, also handed over a Demand Draft of an amount of Rs. 30,000/- towards the first installment of settlement to the respondent no. 2. As agreed between the parties, the petitioner has already paid Rs.80,000/- and shall pay a sum of Rs. 20,000/- to the respondent no. 2 as full and final settlement at the time of quashing the FIR. However, the aforesaid amount has been handed over in cheque vide DD No.366533 dated

28.06.2019, Central Bank of India, Uttam Nagar Branch, Delhi in favour of respondent no.2 in the court itself.

The complainant is present in person with her counsel and states that matter has been settled and she does not wish to prosecute the matter any further. She has been identified by the counsel for the complainant and has produced Election Card issued by Election Commissioner of India bearing no.WHC2297661 (original seen and returned to the complainant) in the name of the complainant.

Taking into account the aforesaid facts, this Court is inclined to quash the subject FIR as no useful purpose would be served in prosecuting the petitioners any further.

For the reasons afore-recorded, the FIR No.91/2017 dated 05.04.2017 registered at police station Dwarka North (South West) instituted for the offences punishable under Sections 498A/406/34 of the IPC and consequent proceedings are quashed.

The petition is allowed accordingly.

SURESH KUMAR KAIT, J

AUGUST 23, 2019

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