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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 6352/2019

KARTIK KAPOOR & ORS.

..... Petitioners

Through: Mr. Karan Nagrath, Advocate with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Amit Ahlawat, APP for the State
with Insp. Shiv Karan, PS Janakpuri.
Mr. Pushpender Kumar and Ms. Priya
Gujral, Advocates for R-2 with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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23.01.2020

CRL.M.C. 6352/2019

1. Issue notice. Learned counsel for the State, who appears on advance notice, accepts notice. Respondent No.2 appears and accepts notice.
2. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.645/2016, under Sections 498A/406/34 IPC registered at Police Station-Janak Puri, New Delhi, and all proceedings emanating therefrom.
3. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 10.12.2009 according to Hindu rites and ceremonies and they lived together as wife and husband with each other. After the marriage, some disputes and differences arose

between them. On 29.10.2016, the respondent No.2 got the above said FIR registered against the petitioners for causing cruelties and demand of dowry.

4. Counsel for the petitioners submits that during the pendency of the trial, parties have settled the matter amicably in terms of the Agreement/Settlement Deed dated 28.07.2018 entered into by them before Counselling Cell, Family Courts. Copy of the same is placed on record. Accordingly, the marriage of the petitioner no.1 and respondent no.2 has already been dissolved by decree of divorce with mutual consent of the parties vide order dated 16.10.2019 passed by the Ld. Court of Sh. Pitamber Dutt, Judge, Family Courts, Dwarka, New Delhi. Copy of the decree of divorce is placed on record.

5. Respondent No.2 is present in Court today and she has been identified by the IO. The respondent No.2 admits that she has settled the matter amicably with the petitioners. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion.

6. It is submitted by learned counsel for the petitioners that petitioner no. 1 has deposited a sum of Rs.10,00,000/- in the form of an FDR in the Registry of this Court. He submits that the said amount of Rs.10,00,000/- be released to respondent no. 2/complainant and interest accrued thereon be equally divided between petitioner no.1 and respondent no. 2.

7. Learned counsel for respondent no.2, on instructions from respondent no. 2 who is present in person, submits that he has no objection to the same.

8. Accordingly, interest as accrued on the FDR in the sum of Rs.10,00,000/- be released to petitioner no. 1 and respondent no. 2 in equal proportion and FDR in the sum of Rs.10,00,000/- be released to respondent no. 2. Respondent No.2 submits that nothing remains to be adjudicated further between them and she has no objection if the FIR in question is quashed.

9. Learned counsel for the State submits that in view of the settlement between the parties, the State has no objection if the FIR in question be quashed.

10. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law. Consequentially, this petition is allowed, subject to costs of ₹5,000/- to be deposited by the petitioners with the Delhi High Court Legal Services Committee within two weeks from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No.645/2016, under Sections 498A/406/34 IPC registered at Police Station-Janak Puri, New Delhi, and the proceedings emanating therefrom shall stand quashed.

11. The present petition stands disposed of accordingly. *Dasti.*

RAJNISH BHATNAGAR, J

JANUARY 23, 2020/^{AK}