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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 370/2020

SH. NITIN BARASKAR

..... Petitioner

Through: Mr. Raghav Mendiratta, Adv.
versus

STATE & ANR.

..... Respondents

Through: Mr. Amit Ahlawat, APP for the State.
ASI Ratanlal, P.S.Mayapuri.
Ms. Charu Sharma, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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24.01.2020

Crl. M.A. 1580/2020 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 370/2020 & Crl. M.A. 1579/2020 (stay)

1. Issue notice. Learned counsel for the State, who appears on advance notice, accepts notice. Counsel for respondent No.2 appears and accepts notice.
2. It is submitted by learned APP for the State that there are five more accused persons in this FIR, however, it is submitted by the counsel for the petitioner, who states at Bar that cognizance has only been taken against the petitioner. In view of the statement of counsel for the petitioner, this petition is taken up for quashing of FIR.
3. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.0125/2018,

under Sections 498A/406/34 IPC registered at Police Station-Mayapuri, Delhi, and all proceedings emanating therefrom.

4. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 10.12.2017 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 and they started living separately since 01.01.2018. On 7.9.2018, the respondent No.2 got the above said FIR registered against the petitioner for causing cruelties and demand of dowry.

5. Counsel for the petitioner submits that during the pendency of the trial, with the intervention of Counselling Cell, Family Courts, Dwarka, the parties have settled the matter amicably in terms of the Agreement/Settlement Deed dated 19.9.2019. Copy of the same is placed on record. Accordingly, petition under Section 13-B(2) of HMA Act was filed and the marriage of the petitioner no.1 and respondent no.2 was dissolved by decree of divorce with mutual consent of the parties vide order dated 17.1.2020 passed by the Ld. Court of Sh. B.R.Kedia, Principal Judge, Family Courts, South West District Dwarka, New Delhi. Copy of the decree of divorce is placed on record.

6. 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 petitioner. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. As per settlement, the DD No.008375 dated 12.1.2020 of Rs.4,00,000/- has been handed over to the respondent

No.2 today. 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.

7. 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.

8. 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 petitioner with the Delhi State Legal Services Authority 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.0125/2018, under Sections 498A/406/34 IPC registered at Police Station-Mayapuri, Delhi, and the proceedings emanating therefrom shall stand quashed.

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

RAJNISH BHATNAGAR, J

JANUARY 24, 2020/ib