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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 647/2020**

AMIT KUMAR & ORS Petitioners
Through: Mr. Ram Nath Singh Kushwaha,
Advocate with petitioners in person.
versus

GOVT. OF NCT DELHI & ANR Respondents
Through: Mr. M.S. Oberoi, APP for the State
with ASI Naveen Kumar PS
Mandawli.
Mr. K.L. Rajora and Mr. Nishant
Rajora, Advocates for R-2 with R-2 in
person.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER
% **07.02.2020**

Crl. M.A. No. 2703/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 647/2020

1. SHO/Inspector Prashant, Police Station Mandawali Fazal Pur is present in person. He has shown case diary dated 01.05.2019 wherein it has been stated that Sections 3 and 4 of Delhi Prevention of Defacement of Public Act has been wrongly mentioned and it should be Sections 3 and 4 of Dowry Prohibition Act. He is directed to remain careful in future.

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. 139/2019, under Sections 498A/406/34 IPC and Sections 3/4 Dowry Prohibition Act, registered at Police Station-Mandawli Fazal Pur, Delhi, and all proceedings emanating therefrom.

3. Issue notice. Learned APP for the State, appears on advance notice and accepts notice. Learned counsel for respondent No. 2 enters appearance and accepts notice.

4. The brief facts of the case are that the petitioner no. 1 and respondent No. 2 got married on 04.12.2015 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 01.05.2019, the respondent No. 2 got the above said FIR registered against the petitioners for causing cruelties and demand of dowry.

5. Counsel for the petitioners submits that during the pendency of the trial, the parties have settled the matter amicably as per MOU dated 23.04.2019. Copy of the same is placed on record. Accordingly, the marriage of petitioner no. 1 and respondent No. 2 has already been dissolved by decree of divorce with mutual consent of the parties vide order dated 18.12.2019 passed by the Ld. Court of Sh. Mahesh Chand Gupta, Judge, Family Court, North West District, Rohini Courts, 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 petitioners. She further submits that the

settlement/compromise has taken place voluntarily, without any force, pressure or coercion. As per settlement, the DD No. 735022 dated 20.01.2020 in the sum of Rs.2,00,000/- has been handed over to the respondent No. 2 in the Court 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 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. 139/2019, under Sections 498A/406/34 IPC and Sections 3/4 Dowry Prohibition Act, registered at Police Station-Mandawli Fazal Pur, Delhi, and the proceedings emanating therefrom shall stand quashed.

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

RAJNISH BHATNAGAR, J

FEBRUARY 07, 2020/ANK