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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 409/2020

ASHISH JOHN ANTHONY & ORS.

..... Petitioners

Through: Mr. B.S. Sharma, Advocate with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Shivam Saharan, Advocate for
Mr. Ranbir Singh Kundu, ASC for the
State with SI Pritosh PS Burari.
Mr. Tarun Upadhyay, Advocate for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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11.02.2020

Crl. M.A. No. 3059/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 409/2020

1. Issue notice. Learned counsel for the State, who appears on advance notice, accepts notice. Learned counsel for respondent No.2 enters appearance 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.542/2017, under Sections 498A/406/34 IPC registered at Police Station-Burari, District North, 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 25.04.2014 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 24.09.2017, 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, with the intervention of Counselling Cell, Family Courts, the parties have settled the matter amicably in terms of the Settlement dated 20.06.2018. 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 05.11.2018 passed by the Ld. Court of Sr. R.P. Pandey, Principal Judge, Family Courts, North District, 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. As per settlement, the DD No.007313 dated 07.02.2020 of Rs.2,00,000/- has been handed over to the respondent No.2 in the Court today.

6. It is submitted by learned counsel for the petitioners that one Wagon R car bearing no. DL 1CR 0325, which is in the name of petitioner no. 1 is to be transferred to respondent no. 2. It is further submitted that petitioner no. 1 has already executed all the sale

documents and the same have been handed over to respondent no. 2. Learned counsel submits that petitioner no. 1 will co-operate in all manner to get the aforesaid car transferred in the name of respondent no. 2, which already is in her possession.

7. 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.

8. 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.

9. 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.542/2017, under Sections 498A/406/34 IPC registered at Police Station-Burari, District North, Delhi, and the proceedings emanating therefrom shall stand quashed.

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

RAJNISH BHATNAGAR, J

FEBRUARY 11, 2020/*AK*