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

+ **CRL.M.C. 819/2020**

VINAY VERMA & ORS

..... Petitioners

Through: Mr. Gurmit Singh Hans, Advocate
with petitioner nos. 1-3 and 5 in
person.

versus

STATE & ANR

..... Respondents

Through: Ms. Neelam Sharma, APP for the
State with ASI Sushma, PS Baba
Haridas Nagar.
Mr. Mayank Mankotia, Advocate for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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14.02.2020

Crl. M.A. No. 3367/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 819/2020 and Crl. M.A. Nos. 3366/2020 & 3368/2020

1. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.104/2017, under Sections 498A/406/34 IPC registered at Police Station-Baba Haridas Nagar, Outer District, Delhi, and all proceedings emanating therefrom.

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

3. Learned counsel for the petitioners submits that petitioner no. 4 is a cancer patient and had to attend chemotherapy session today. He orally prays that respondent no. 4 be exempted from her personal appearance. Accordingly, respondent no. 4 is exempted from her personal appearance.

4. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 08.02.2015 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 16.06.2017, 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 and have recorded terms of the settlement vide their separate statements dated 26.11.2019 recorded before learned Principal Judge, Family Court. Copy of the statement of petitioner no. 1 and respondent no. 2 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 04.12.2019 passed by the Ld. Court of Sh. B.R. Kedia, Principal Judge, Family Courts, South-West District, Dwarka 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.017880 dated 07.12.2019 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.104/2017, under Sections 498A/406/34 IPC registered at Police Station-Baba Haridas Nagar, Outer District, Delhi, and the proceedings emanating therefrom shall stand quashed.

9. The present petition stands disposed of accordingly.

Dasti.

RAJNISH BHATNAGAR, J

FEBRUARY 14, 2020

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