

\$~33

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

+ **CRL.M.C. 812/2020**

SH. GOPAL KAUSHAL SHARMA & ORS. Petitioners

Through: Mr. Gurmit Singh Hans, Advocate.

versus

STATE & ANR. Respondents

Through: Ms. Rajni Gupta, APP for the State
with ASI Surender Singh PS Sarai
Rohilla.

Mr. Yogesh Swaroop, Advocate for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

%

14.02.2020

Crl. M.A. No. 3351/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 812/2020 and Crl. M.A. No. 3350/2020 (for stay)

1. 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.

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.383/2017, under Sections 498A/406/34 IPC registered at Police Station-Sarai

Rohilla, 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 07.03.2014 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 07.10.2017, 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, the parties have settled the matter amicably. 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 01.11.2018 passed by the Ld. Court of Sh. Ravinder Dudeja, Judge, Family Court, Central District, Tis Hazari Courts, 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, a demand draft bearing no. 701658 has been handed over to the respondent no. 2 in the Court today, however, it is submitted by learned counsel for respondent no. 2 that the name of the complainant has not been correctly written in the said draft. Learned counsel for the petitioners, on instructions from the petitioners, submits that a fresh draft in the sum of Rs.3,00,000/-

shall be handed over to respondent no. 2 within one week from 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.

6. 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.

7. 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 payment of costs of ₹5,000/- to be deposited by the petitioners with the Delhi High Court Legal Services Committee within one week from today.

8. Upon placing on record the proof of payment of Rs.3,00,000/- to respondent no. 2 and on deposit of receipt of payment of costs within a week and handing over its copy to the Investigating Officer, FIR No.383/2017, under Sections 498A/406/34 IPC registered at Police Station-Sarai Rohilla, District North, Delhi, and the proceedings emanating therefrom shall stand quashed.

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

RAJNISH BHATNAGAR, J

FEBRUARY 14, 2020

AK