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

+ **CRL.M.C. 881/2020**

SH. CHANDER PRAKASH @ DAULAT & ORS. Petitioners

Through: Mr. Pradeep Kumar, Adv.
Petitioners in person.

versus

STATE & ANR. Respondents

Through: Ms. Rajni Gupta, APP for the State.
SI Dhan Singh, P.S.Sabzi Mandi.
Mr. Bhupesh Saini, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **17.02.2020**

Crl. M.A.No. 3596/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

Crl. M.C. 881/2020

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. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.238/2013, under Sections 498A/406/34 IPC registered at Police Station-Subzi Mandi 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 28.11.2010 according to Hindu rites and ceremonies and they lived together as wife and husband with each other. Out of this wedlock one female child was born. After the marriage, some disputes and differences arose between them and they started living separately since January 2013. On 25.10.2013, 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 Mediation Cell, Tis Hazari Courts, the parties have settled the matter amicably in terms of the Settlement Deed dated 30.03.2019. 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 14.11.2019 passed by the Principal Judge, Family Courts, 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, payment of Rs. 1,50,000/- has been made to 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.

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 costs of ₹5,000/- to be deposited by the petitioners 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.238/2013, under Sections 498A/406/34 IPC registered at Police Station-Subzi Mandi Delhi, and the proceedings emanating therefrom shall stand quashed.

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

RAJNISH BHATNAGAR, J

FEBRUARY 17, 2020/ib