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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 921/2020

NITISH GUPTA & ORS

..... Petitioners

Through: Mr. Deepak Acharya, Adv.with P-1
and P-2.

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through: Mr. M.S. Oberoi, APP for the State.
with SI Sohan Lal, P.S.Mehrauli.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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19.02.2020

Crl. M.A.No.3771/2020

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 921/2020

1. Issue notice. Learned counsel for the State, who appears on advance notice, accepts notice. Respondent No.2 appears and accepts notice.

2. It is stated by the counsel for the petitioners that petitioner no.3 and 4 are not available today as they are in Dehradun and he seeks exemption of appearance of petitioner nos.3 and 4. Accordingly, petitioner nos. 3 and 4 are exempted from appearance.

3. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.646/2017, under Sections 498A/406/34 IPC registered at Police Station-Mehrauli, Delhi, and all proceedings emanating therefrom.

4. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 22.1.2017 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 and they started living separately since 13.2.2017. On 8.5.2017, 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, with the intervention of Mediation Cell, the parties have settled the matter amicably in terms of the Agreement/Settlement Deed dated 25.11.2019. 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 20.1.2020 passed by the Principal Judge, Family Courts, South District Saket 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.001183 dated

28.1.2020 of Rs.2,00,000/- has been handed over to the 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.

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 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.646/2017, under Sections 498A/406/34 IPC registered at Police Station-Mehrauli, Delhi, and the proceedings emanating therefrom shall stand quashed.

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

RAJNISH BHATNAGAR, J

FEBRUARY 19, 2020/ib