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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1066/2020

PUSHPENDER KUMAR SHAH & ORS Petitioners

Through: Mr. S.N.Bhagat, Adv.
Petitioners in person.

versus

THE STATE & ANR Respondents

Through: Mr. M.S. Oberoi, APP for the State.
with SI Vinod Kumar, P.S.Tilak
Nagar.
Mr. Pawan Kumar, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% 26.02.2020

Crl. M.A.No. 4241/2020

Exemption allowed subject to just exceptions.

The application stands disposed of.

Crl. M.C. 1066/2020

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.883/2015, under Sections 498A/406/506/34 IPC registered at Police Station-Tilak Nagar, Delhi, and all proceedings emanating therefrom.

2. Issue notice. Learned counsel for the State, who appears on

advance notice, accepts notice. Counsel for respondent No.2 appears and accepts notice.

3. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 04.12.2011 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 27.11.2013. On 10.6.2015, 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 Centre, Tis Hazari Courts, Delhi, the parties have settled the matter amicably in terms of the Agreement/Settlement Deed dated 23.11.2016. 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 under Section 13B(2) of HMA Act vide order dated 27.7.2017 passed by 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, Rs. 5000/-in cash has been handed over respondent no.2. 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, and FIR No.883/2015, under Sections 498A/406/506/34 IPC registered at Police Station-Tilak Nagar, Delhi, and the proceedings emanating therefrom are hereby quashed. No costs are imposed looking into the financial condition of the petitioners.

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

RAJNISH BHATNAGAR, J

FEBRUARY 26, 2020/ib