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

+ **W.P.(CRL) 568/2020 & CRL.M.A.4315/2020 (stay)**

ANKUR NARANG & ANR.

..... Petitioners

Through Mr. Hitender Kapur, Mr. Azad Singh,
Advocates

versus

STATE & ANR.

..... Respondents

Through Ms. Shivani Sharma, Ms. Sukriti
Bhardwaj, Advocates for Ms. Richa Kapoor, ASC
for the State with ASI Reena PS: Paschim Vihar
East.

Mr. Neeraj Gupta, Mr. Rajat A., Advocates for
respondent no. 2 with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

27.02.2020

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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.38/2019, under Sections 498-A/406/34 IPC registered at Police Station-Paschim Vihar, Delhi and all proceedings emanating therefrom.

2. Issue notice. Ms. Shivani Sharma, Advocate for Ms. Richa Kapoor, ASC, who appears on advance notice accepts notice on behalf of State. 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 16.05.2010 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 03.03.2015. On 23.01.2019, the respondent No.2 got the above said FIR registered against the petitioners.

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 17.12.2019. 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 under Section 13B(2) of HMA Act vide order dated 24.02.2020 passed by Principal Judge, Family Courts: West, 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. 224597 dated 24.02.2020 drawn on Yes Bank of Rs. 20,00,000/- has been handed over to 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, subject to payment of 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 the FIR No.38/2019, under Sections 498-A/406/34 IPC registered at Police Station-Paschim Vihar, 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 27, 2020
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