

via Video-conferencing

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

+ **W.P. (CRL.)1500/2020**

YASH ARORA & ORS.Petitioners

Through: Mr. Vipin Chaudhary, Advocate

versus

STATE & ANR.Respondents

Through: Mr. Rahul Mehra, Senior Standing
Counsel (Criminal)

Mr. Mudassar Khan, Advocate for
respondent No.2 with respondent
No.2 in person

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **21.09.2020**

Crl. M.A. No. 13016/2020

Allowed, subject to all just exceptions.

Application is disposed of.

W.P.(CRL.)1500/2020

The petitioners, who are the ex-husband, ex-father-in-law and ex-mother-in-law of the respondent No.2/ex-wife, seek quashing of FIR No.138/2019 dated 13.07.2019 registered under sections 498A/354-D IPC at P.S.: Pul Prahladpur, Delhi, on the basis of a compromise arrived at between the parties by way of Settlement dated 03.08.2019 arrived at under the aegis of the Counselling Cell of the Family Courts, Tees Hazari, Delhi.

2. Mr. Vipin Chaudhary, learned counsel for the petitioners submits that the parties have resolved their *inter se* disputes on the terms contained in Settlement dated 03.08.2019, pursuant to which the marriage between petitioner No.1 and respondent No.2 stands dissolved by mutual consent *vidé* decree dated 08.02.2020; and petitioner No.1 has also paid to respondent No.2 a total sum of Rs.7,70,000/- in three tranches of Rs.3,00,000/- at the stage of first motion; Rs.2,00,000/- at the time of second motion; and the balance sum of Rs.2,70,000/- at the stage of quashing of the present FIR. Mr. Chaudhary submits that there is no child born from the wed-lock; and the settlement includes all claims towards alimony/maintenance (past, present and future), *stridhan*, jewellery etc. and nothing remains to be executed in relation to the settlement.
3. Issue Notice.
4. Mr. Rahul Mehra, learned Senior Standing Counsel (Criminal) enters appearance on behalf of respondent No.1 on advance copy; and submits that considering the nature of the matter, the State does not oppose quashing of the FIR by consent of the parties. Mr. Mehra submits that status report dated 20.09.2020 has been prepared and will be filed in the matter. A copy of the status report has been forwarded *via* e-mail and has been perused. It only records the stage of the on-going investigation. In any case, let the status report be brought on record.

5. Mr. Mudassar Khan, learned counsel appears on behalf of respondent No.2/ex-wife along with respondent No.2/Ms. Neha Dubey.
6. The petition is supported by affidavits of petitioner Nos. 1, 2 and 3. The respondent No.2 has also filed a separate affidavit, which *inter alia* confirms the settlement of all *inter-se* disputes and also conveys her no-objection to the quashing of the FIR.
7. Proofs of ID of the petitioners and of respondent No. 2 have also been annexed with the petition.
8. Respondent No.2 has joined the video-conference hearing. The Court has interacted with her. Respondent No.2 confirms having received the final tranche of Rs.2,70,000/-, and thereby, the total sum of Rs.7,70,000/- as part of the settlement.
9. The Investigating Officer of the matter A.S.I./Avinesh Kumar from P.S.: Pul Prahladpur has also joined the video-conference hearing and confirms the identity of respondent No.2, as also the fact that parties have settled their *inter-se* disputes.
10. Upon a conspectus of the foregoing facts and circumstances ; and in view of the decision of the Supreme Court in ***Narinder Singh and Ors. vs. State of Punjab and Anr.*** reported as (2014) 6 SCC 466, this Court does not see any reason why the present petition should not be allowed. Since the disputes arose from a matrimonial relationship, which has since ended in a mutual consent divorce; since respondent No.2 does not wish to pursue the complaint made by way of the subject FIR; since allowing the investigation and/or prosecution to proceed would be an

exercise in futility; since there is no child born from the wedlock; and since no third party is affected by the settlement, this Court is persuaded to accept the petition.

11. Accordingly, FIR No.138/2019 dated 13.07.2019 registered under sections 498A/354-D IPC at P.S.: Pul Prahladpur, Delhi, and all the proceedings emanating therefrom are hereby quashed.
12. The writ petition is disposed of in the above terms.
13. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 21, 2020/tp