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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 4788/2019

SATWENDER PAL SINGH BAGGA & ANR Petitioners

Through: Mr. Vikas Padora, Advocate.

versus

THE STATE OF DELHI & ANR Respondents

Through: Mr. Amit Ahlawat, APP for the State.
Mr. A. Malhotra and Mr. Shaurya
Lamba, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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15.01.2020

CRL.M.C. 4788/2019 and Crl. M.A. No. 36508/2019 (for release of amount)

1. Issue notice. Learned counsel for the State, who appears on advance notice, accepts notice. Learned counsel for respondent No.2 enters appearance 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.286/2015, under Sections 498A/406/34 IPC registered at Police Station-Rajouri Garden, West District, 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 28.04.2008 according to Hindu rites

and ceremonies and they lived together as wife and husband with each other. A child, namely, Master Sachmann, was born out of the said wedlock. After the marriage, some disputes and differences arose between them and they started living separately from 23.02.2014. On 24.07.2014, respondent no. 2 lodged a complaint against respondent no. 1 and his family members before CAW cell, Police Station Kirti Nagar, New Delhi. On 21.02.2015, 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, the parties have settled the matter amicably before the Family Court in terms of the order dated 09.07.2018. 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 07.06.2019 passed by the Ld. Court of Smt. Shalinder Kaur, Principal Judge, Family Courts, West District, Tis Hazari Courts, Delhi. Copy of the decree of divorce is placed on record. The sole custody of the minor child namely Sachmann Singh shall remain with respondent no. 2/mother.

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. 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 entered into 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 one week 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.286/2015, under Sections 498A/406/34 IPC registered at Police Station-Rajouri Garden, West District, Delhi, and the proceedings emanating therefrom shall stand quashed.

8. Learned counsel for the petitioner also seeks release of Rs.4,00,000/- deposited in this Court vide order dated 17.01.2017.

9. Since the FIR has been quashed, the Registry is directed to release the fixed deposit in the amount of Rs.4,00,000/- along with accrued interest, if any, to petitioner no.1.

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

RAJNISH BHATNAGAR, J

JANUARY 15, 2020

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