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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2853/2019

SURESH PRASAD & ANR.

..... Petitioners

Through: Mr. Ashish Middha, Advocate with
petitioner no. 1 in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Piyush Singhal, Advocate for
Mr.Ashish Aggarwal, ASC for the
State with ASI Yashpal Singh, CWC
Nanakpura.

Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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24.01.2020

Crl. M.A. No. 1440/2020 (for amending memo of parties)

For the reasons stated in the application, same is allowed and amended memo of parties is taken on record.

The application stands disposed of.

W.P.(CRL) 2853/2019

1. Issue notice. Learned counsel for the State, who appears on advance notice, accepts notice.
2. Petitioner no. 2 is not present in person. Learned counsel for the petitioner submits that petitioner no. 2 is an old lady of 67 years of age and she is not well. He seeks her exemption from personal appearance.
3. At the oral request of learned counsel for the petitioner, petitioner no. 2 is exempted from appearance.

4. Respondent no. 3, who is the brother of respondent no. 2 is also not present. It is submitted that respondent no. 2 is not well and it is prayed that he be exempted. Accordingly, as prayed presence of respondent no. 2 is also exempted.

5. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.68/2017, under Sections 498A/406/34 IPC registered at Police Station-Crime (Women) Cell, Nanakpura, Delhi, and all proceedings emanating therefrom.

6. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 27.04.2004 according to Hindu rites and ceremonies and they lived together as wife and husband with each other. Two children, namely, Catherine Bhanupriya Prasad and Stiven Rahul Prasad were born out of their wedlock. After the marriage, some disputes and differences arose between them. Petitioner no. 1 and respondent no. 2 are living separately since 07.08.2013. On 20.06.2017, the respondent No.2 got the above said FIR registered against the petitioners.

7. Counsel for the petitioners submits that during the pendency of the trial, parties have settled the matter amicably. 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 21.12.2019 passed by the Ld. Court of Ms. Madhu Jain, Principal Judge, Family Courts, South East, Saket, New Delhi. Copy of the decree of divorce is placed on record.

8. 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.

9. 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.

10. 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 ₹10,000/- 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, FIR No.68/2017, under Sections 498A/406/34 IPC registered at Police Station-Crime (Women) Cell, Nanakpura, Delhi, and the proceedings emanating therefrom shall stand quashed.

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

RAJNISH BHATNAGAR, J

JANUARY 24, 2020

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