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

+ CRL.M.C. 2727/2018 & CrI. M.A. 9703/2018 (Stay)

AMIT AGGARWAL & ORS

..... Petitioners

Through: Mr. Vivek Sood, Sr. Adv. With Mr. Sanjay Shah, Adv. with petitioner nos. 1 to 4 are in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Mukesh Kumar, APP for State. Mr. Narvir Singh, Mr. Abhishek Dobhal and Ms. Pooja Yadav, Advs. For R-2 with R-2 in person. Mr. Sumit Choudhary and Ms. Aakansha Bansal, Advs. for Applicant SI Lalit.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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28.02.2020

1. The present proceedings are instituted seeking quashing of FIR No. 325/2015 under Sections 498A/406/34 IPC registered at P.S. Preet Vihar on the ground of a settlement having been arrived at between petitioner no.1 and respondent no. 2.
2. The present FIR is an outcome of matrimonial disputes between petitioner no.1 (husband) and respondent no.2 (wife).
3. Learned APP for the State submits that the charge-sheet has been filed against the present petitioners and respondent no.2 is the only complainant/victim.
4. Learned counsel for the petitioners submits that petitioner no.1 and

respondent no.2 have settled their disputes vide Memorandum of Settlement dated 10.02.2018. A copy of the same is annexed as Annexure-P-3 with the petition. In terms of the settlement, the marriage between petitioner no.1 and respondent no.2 has been dissolved by a decree of divorce by mutual consent passed by the Family Court, East District, Karkardooma Courts, Delhi on 25.04.2018.

5. Petitioner nos. 1 to 4 and respondent no.2 are present in person and have been identified by their respective counsels as well as the Investigating Officer. It is submitted that during the pendency of present FIR petitioner no. 5 has since expired. The factum of death of petitioner no. 5 has been verified by the State and the verification report in this regard has been placed on record.

6. Respondent no. 2 states that she has entered into the settlement with petitioner no.1 out of her own free will, volition and without any undue force, pressure or coercion. She further states that she has no objection if the present FIR is quashed against petitioner no.1 and his family members i.e. petitioner nos. 2 to 5.

7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

8. The parties shall remain bound by their statements made in Court today.

9. In view of the settlement arrived at between the parties voluntarily and the fact that the marriage between the petitioner no.1 and respondent no.2 has already been dissolved, in my view, no useful purpose will be served in keeping them entangled in the present criminal proceedings. Accordingly, in the interest of justice, the aforesaid FIR and the consequent

proceedings emanating therefrom are hereby quashed.

10. With the above directions, the petition is disposed of. Miscellaneous application is disposed of as infructuous.

Crl. M.A. 4522/2020

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

Crl. M.A. 4521/2020 (Modification of Order)

1. For the reasons stated in the application, the order dated 03.12.2019 is recalled. The applicant is cautioned to remain careful in future.
2. Application is disposed of.
Dasti.

MANOJ KUMAR OHRI, J

FEBRUARY 28, 2020

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