

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

% *Date of decision : 06.03.2023*

+ CRL.M.C. 1570/2023

KAPIL & ORS.

..... Petitioners

Through: Mr. Lohit Ganguly, Ms. Reeta Puniya, Mr. Sushil Kumar and Mr. Sandeep Lamba, Advocates.
Petitioners in person.

versus

THE STATE (GNCT OF DELHI) THROUGH SHO PS MUNDKA DELHI & ANR.

..... Respondent

Through: Ms. Priyanka Dalal, APP for the State with ASI Sudesh Kumar, PS Mundka.
Mr. Anil Kumar, Advocate for R-2.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

RAJNISH BHATNAGAR, J (ORAL)

Crl. M.A. 5968/2023 (Exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

CRL.M.C. 1570/2023

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No.488/2022, under Section 498A/406/376/354/506/34 IPC, registered at Police Station Mundka, New Delhi, and all proceedings emanating therefrom.

2. Issue notice. Learned APP appears on advance notice, and accepts notice.
3. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 05.02.2018 according to Hindu rites and ceremonies and they lived together as husband and wife with each other. After the marriage, the disputes and differences arose between them and they started living separately since 12.8.2020. On 09.06.2022, 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 in terms of the Settlement dated 20.9.2022 before the Mediation Centre, West Distt. Tis Hazari Courts, Delhi. Copy of the said settlement is placed on record. Accordingly, the petition under Section 13-B(2) of the HMA Act was allowed and the marriage of the petitioner No.1 and respondent No.2 was dissolved vide decree dated 29.11.2022 passed by the Principal Judge, Family Court, West Distt. Tis Hazari Courts, Delhi. The copy of the decree is already on record.
5. In support of his contention, learned counsel for the petitioner has relied upon a judgment passed by co-ordinate Bench of this Court in the case of ***Arshad Ahmad and Ors Vs. State of NCT of Delhi in W.P.(CRL)1185/2022***, wherein FIR registered under Sections 376/377/498A/34 IPC was quashed on compromise between the parties.
6. Petitioners and respondent no.2 are present in Court today and they have been identified by the IO. I have interacted with the parties

and they submit that they have settled their disputes. 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, today, a demand draft of Rs. 1,00,000/- (bearing no. 512211 dated 21.2.2023 drawn on Bank of India) 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.

7. Learned APP for the State submits that in view of the settlement, the State has no objection if the FIR in question be quashed.

8. Keeping in view the above facts and circumstances of this case, and the judgment passed by the Co-ordinate Bench of this Court in the case of *Arshad Ahmad (supra)*, and 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 and FIR No.488/2022, under Section 498A/406/376/354/506/34 IPC, registered at Police Station Mundka, New Delhi, and the proceedings emanating therefrom shall stand quashed.

9. The present petition stands disposed of accordingly.

RAJNISH BHATNAGAR, J

MARCH 06, 2023/ib