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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 13.02.2024

+ CRL.M.C. 1159/2024

VIPIN SAINI & ANR.

..... Petitioners

Through: Mr. Rakesh Kumar Dhanda, Advocate
with Petitioners-in-person.

versus

STATE GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Sunita Yadav, PS: Najafgarh.
Mr. Mehraj Chaudhary, Advocate for
R-2 with Respondent No. 2-in-person.

CORAM:**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0137/2017, under Sections 498A/406/34 IPC, registered at PS: Najafgarh, Delhi and the proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.
3. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 13.03.2013. No child was born out of the wedlock. Due to



temperamental differences between the parties, petitioner No.1 and respondent No.2 started living separately since 04.11.2013. On complaint of respondent No.2, present FIR was registered on 01.06.2017.

4. The matter is stated to have been amicably resolved between the parties vide settlement deed dated 11.01.2024, since earlier Settlement Agreement dated 19.12.2019 could not be implemented in view of death of father of petitioner No. 1 and COVID-19 pandemic. Also, the marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce under Section 13(1)(ia) of the Hindu Marriage Act on 03.05.2018.

5. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

6. Petitioners as well as respondent No. 2 are present in person and have been identified by SI Sunita Yadav, PS: Najafgarh, Delhi. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

7. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 0137/2017, under Sections 498A/406/34 IPC, registered at PS: Najafgarh, Delhi and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending application, if any, also stands disposed of.



A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 13, 2024/R