



2024:DHC:5124



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 11.07.2024

+ CRL.M.C. 1707/2021

SILKY SONI

..... Petitioner

Through: Mr.Ashish Verma and Mr.Kartikay
Bhargava, Advocates with petitioner
in person.

versus

STATE GOVT OF NCT OF DELHI & ANR. Respondents

Through: Mr.Yudhvir Singh Chauhan, APP for
State with SI Deepak Chhabra, P.S.
Janak Puri.

Mr.Vipin Gogia, Mrs.Jaspreet Gogia
and Ms.Varnika Gupta, Advocates
with respondent No.2 in person.

+ W.P.(CRL) 1218/2024

SHAMINDER PAL ASIJA & ORS.

..... Petitioners

Through: Mr.Vinay Kumar Sharma, Mr.Prince
and Mr.Aaditya, Advocates with
petitioners in person.

versus

STATE AND ANR. Respondents

Through: Mr.Yudhvir Singh Chauhan, APP for
State with SI Deepak Chhabra, P.S.
Janak Puri.

Mr.Vipin Gogia, Mrs.Jaspreet Gogia
and Ms.Varnika Gupta, Advocates
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)

CRL.M.A. 11818/2024 in W.P.(CRL) 1218/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1707/2021 & CRL.M.A. 11894/2021
W.P.(CRL) 1218/2024

1. W.P.(CRL) 1218/2024 under Article 226 of the Constitution of India read Section 482 Cr.P.C. has been preferred on behalf of the petitioners for quashing of FIR No. 0097/2021, under Sections 498A/406/377/34 IPC registered at P.S.: Janakpuri and proceedings emanating therefrom, on the basis of settlement between the parties.

Learned counsel for petitioners further clarifies that earlier CRL.M.C. 1707/2021 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') had been preferred on behalf of the petitioner Silky Sony only for quashing of said FIR on merits.

2. In brief, as per the case of the petitioners, marriage between petitioner No.1 namely Shaminder Pal Asija and respondent No. 2 was solemnized according to Sikh rites and ceremonies on 16.12.2012. A male child was born out of the wedlock who is presently in the custody of petitioner No.1. Due to temperamental differences, Shaminder Pal Asija and respondent No.2 started living separately. On complaint of respondent No. 2, present FIR was registered on 23.03.2021.

3. The disputes are stated to have been amicably settled between the parties vide Settlement Deed dated 06.05.2022. The marriage between Shaminder Pal Asija and respondent No. 2 has been dissolved by decree of divorce dated 22.11.2023, by way of mutual consent under Section 13B(2) of the Hindu Marriage Act.



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

5. Petitioners and respondent No. 2 are present in person and have been identified by SI Deepak Chhabra, P.S.: Janakpuri. 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.

6. 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. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 0097/2021, under Sections 498A/406/377/34 IPC registered at P.S.: Janakpuri and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

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

ANOOP KUMAR MENDIRATTA, J.

JULY 11, 2024/v