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

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Date of Decision: 06.05.2024

+ CRL. M.C. 3274/2024

DEEPAK BHATLA AND ORS.

..... Petitioners

Through: Mr. Anoop K. Verma, Advocate with
petitioners-in-person.

versus

STATE AND ANR.

.... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Jhabar Mal, PS: Mohan Garden and
SI Satyaveer Singh, PS: Dabri.
Mr. Harish Chand Sharma and
Ms. Poonam B. Sharma, Advocates
for R-2 with R-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 with following prayers:

"a) to allow the present petition and pass appropriate orders thereby quashing of the case FIR No.276/2017 Dt. 25.05.2017 U/s 498A/406/34 IPC P.S. Dabri and all consequential proceedings arising therefrom against the petitioners, in the interest justice.

b) to Pass and Order/ Directions to the concerned Authority / Ld. MM Concerned Mahila Court, Dwarka, New Delhi to



recall the LOC (Look Out Circular) pending against the petitioner no.1 i.e. Deepak Bhatla and release the passport of the petitioner No.1 Deepak Bhatla which was impounded at the time of granting bail.”

2. 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 08.02.2015. A male child was born out of the wedlock, who is presently in custody of respondent No. 2. Due to temperamental differences, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 25.05.2017.
3. The disputes have been amicably resolved between the parties vide settlement deed dated 24.11.2021. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 09.05.2023.
4. Balance amount of Rs. 1,50,000/- has been paid to respondent No. 2 today through DD No. 737741 dated 11.03.2024 drawn on IDFC First Bank, Crossing Republic, Ghaziabad Branch in favour of respondent No. 2, towards full and final settlement between the parties.
5. Learned APP for the State on instructions of IO submits that status report has been filed on record and in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed. She further submits that since the accused had surrendered pursuant to proceedings under Section 82 Cr.P.C. LOC shall be withdrawn, which was initiated on account of initial failure of petitioner No. 1 to join investigation.
6. Petitioners as well as respondent No. 2 are present in person and have



been identified by SI Jhabar Mal, PS: Mohan Garden. 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. 0276/2017, under Sections 498A/406/34 IPC, registered at PS: Dabri and proceedings emanating therefrom stand quashed.

Further, in view of statement of learned APP on instructions of IO, the LOC against petitioner No. 1 shall be withdrawn. Learned Trial Court is also directed to release the passport of petitioner No. 1, in case it is not required to be retained for any other purpose.

8. In the facts and circumstances, instead of imposing the costs, petitioners are directed to plant 50 saplings of trees, which are upto 03 feet in height in the local parks in the residential area within jurisdiction of PS: Dabri, Delhi after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA / Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, PS: Dabri. The photographs of planted saplings along with report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioners shall be liable to deposit cost of Rs. 50,000/- with the Delhi State Legal Services Authority.



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 and compliance.

ANOOP KUMAR MENDIRATTA, J.

MAY 06, 2024/R