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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 20th August, 2024**
+ **CONT.CAS(C) 1288/2024**

KANTA PRASAD GAUTAMPetitioner
Through: **Mr. Vaibhav Vats, Adv.**
(DHCLSC)
versus

SHANTI ALIAS SARITARespondent
Through: **None**

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J.(ORAL)

CM APPL. 47413/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CONT. CAS 1288/2024 & CM APPL. 47414/2024 (Delay of 12 years in filing)

3. The petitioner is seeking initiation of contempt proceedings against the respondent for allegedly being in wilful disobedience of her undertaking, which was approved by this Court *vide* order dated 22.02.2012 in CM (M) 1291/2011.
4. No one is present for the respondent despite sending advance notice.
5. The learned counsel for the petitioner has urged that a Memorandum of Understanding ["MoU"] dated 15.02.2012 was



arrived at between the parties, and the statements of parties were recorded on oath,*inter alia*, to the effect that the respondent would cooperate in filing a joint petition seeking the quashing of FIR¹ dated 31.10.2010 under Sections 498-A/323/504/506 of the Indian Penal Code, 1860, with the Police Station Noida, Sector-39, and also withdraw the petition under Section 125 of the Code of Criminal Procedure, 1973, pending adjudication in Noida District Courts.

6. It is urged that a final decree for divorce by mutual consent in second motion under Section 13(B) (2) of the Hindu Marriage Act, 1955, has since been passed by the learned Principal Judge, Family Court, Rohini, Delhi *vide* judgment dated 17.12.2012.

7. The grievance of the petitioner is that for the last 12 years or so, the respondent has not come forward to file a joint petition for quashing of the aforesaid criminal cases and although he did file a petition before the Allahabad High Court, the same did not pass through the Registry for lack of written consent given by the respondent.

8. I am afraid that, although it has been vehemently urged that the petitioner has been pursuing the matter with the respondent for a long time, no sufficient cause or reason has been assigned to justify condoning the delay of 12 years in filing the present contempt petition. The petitioner is still within his rights to approach the Allahabad High Court for redressal of his grievances in accordance with the law.

¹First Information Report



9. The present petition is, therefore, dismissed without prejudice.
10. The pending application also stands disposed of.

DHARMESH SHARMA, J.

AUGUST 20, 2024
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