

(2021) 04 DEL CK 0219

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1032 Of 2021, Criminal
Miscellaneous Application No. 5246 Of 2021

Akshat Aggarwal & Ors.

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 27-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A
Hindu Marriage Act, 1955 — Section 13B(1), 13B(2)

Citation : (2021) 04 DEL CK 0219

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : Raj Vardhan Verma, Izhar Ahmed

Final Decision : Disposed Of

Judgement

Suresh Kumar Kait, J

1. Vide present petition, petitioners are seeking quashing of FIR No. 94/2018, under Sections 498A/406/34 IPC, registered at police station Hauz Khas, New Delhi and all other proceedings arising therefrom.

2. Notice issued.

3. Mr. Izhar Ahmed, learned Additional Public Prosecutor for State accepts notice and submits that respondent No.2 is present through video conferencing and she has been identified as the complainant of FIR by the Investigating Officer of this case, who is also present through video conferencing.

4. With the consent of the parties, the present petition is taken up for final hearing.

5. The marriage between petitioner No.1 and respondent No.2 was solemnized on 14.07.2013 and due to temporal differences, the marriage could not work and they started living separately after 1.10.2016. The dispute between the parties

culminated into the FIR in question.

6. The present petition has been filed on the ground that with the intervention of common friends and relatives, the parties have amicably settled their dispute in terms of Memorandum of Understanding dated 09.01.2020. It is stated that joint petitions under Section 13 B (1) and Section 13 B(2) under the Hindu Marriage Act, 1955 have been allowed by the learned Principal Judge, Family Court, Saket Courts, New Delhi and decree of divorce has been granted on 04.03.2020.

7. Respondent No.2, who is the complainant of FIR in question, and is present through video conferencing, affirms the factum of amicable settlement with petitioners in terms of Memorandum of Understanding dated 09.01.2020 as well as grant of decree of divorce dated 04.03.2020 by the learned Principal Judge, Family Court, Saket Courts, New Delhi. She affirms the content of her affidavit dated 08.02.2021 filed in support of this petition.

8. Keeping in view that the dispute between the parties has been amicably resolved, this Court is inclined to quash the FIR in question, as no useful purpose would be served in continuing with the proceedings arising out of the present FIR.

9. For the reasons afore noted, FIR No. 94/2018, under Sections 498A/406/34 IPC, registered at police station Hauz Khas, New Delhi and consequent proceedings emanating therefrom are quashed.

10. The petition is accordingly allowed and disposed of.

11. Pending application is disposed of as infructuous.