

(2020) 03 DEL CK 0238

In the Delhi High Court

Case No : Criminal Writ Petition No. 708 Of 2020, Criminal Miscellaneous
Application No. 5432 Of 2020

Ashok Jain & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 13-03-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 354, 406, 498A, 506, 509
Hindu Marriage Act, 1955 — Section 13(b)(i), 13(b)(ii)

Citation : (2020) 03 DEL CK 0238

Hon'ble Judges : Brijesh Sethi, J

Bench : Single Bench

Advocate : Rahul Singh, R.S.Kundu

Final Decision : Disposed Of

Judgement

Brijesh Sethi, J

Vide this petition, quashing of FIR No. 409/2019, under Sections 509/354/323/506/34 IPC, registered at police station Farsh Bazar, Delhi is sought on the basis of Compromise Deed of 9th December, 2019 reached between the parties.

Notice.

Mr. R.S.Kundu, learned Additional Standing Counsel, accepts notice for respondent No.1/State and submits that petitioners as well as respondent No.2, who is the complainant of FIR in question, are present in the Court and they have been identified by Investigating Officer of this case.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved in terms of Compromise Deed of 9th December, 2020. She submits that in terms of aforesaid compromise, matrimonial dispute between her son-Pulkit Jain and daughter in law-Divika Jain stands resolved. She further submits that in terms of the aforesaid Compromise

Deed, joint petition under Section 13 (b) (i) under the Hindu Marriage Act, 1955 has already been allowed and a sum Rs.9,00,000/- have already been paid to the daughter in law-Divika Jain and the remaining amount of Rs.9,00,000/- shall be paid at the time of recording of joint statement of parties in petition under Section 13 (b) (ii) under the Hindu Marriage Act, 1955 and thereafter, petition seeking quashing of FIR under Section 498A/40-6/34 IPC shall be filed before the Allahabad High Court. She affirms the contents of her Affidavit of 30th January, 2020 supporting this petition and submits that now no dispute with petitioners survives and so, the proceedings arising out of the FIR in question be brought to an end.

Upon hearing and on perusal of the FIR of this case, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility, as the dispute which led to registration of the FIR now stands settled between the parties.

Accordingly, this petition is allowed and FIR No. 409/2019, under Sections 509/354/323/506/34 IPC, registered at police station Farsh Bazar, Delhi and the proceedings emanating therefrom are quashed qua petitioners.

This petition and application stand disposed of accordingly.