

(2019) 11 DEL CK 0245

In the Delhi High Court

Case No : Criminal Writ Petition No. 3133 Of 2019, Criminal Miscellaneous Application No. 39890, 39891 Of 2019

Himanshu Bheda & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 07-11-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 498A

Citation : (2019) 11 DEL CK 0245

Hon'ble Judges : Brijesh Sethi, J

Bench : Single Bench

Advocate : Kirty Aggarwa, Rekha Rani, R.S.Kundu, Sunil Kumar, Shivom Sharan

Final Decision : Disposed Of

Judgement

Brijesh Sethi, J

Quashing of FIR No. 37/2019, under Sections 498-A/406/34 IPC, registered at police station Laxmi Nagar, Delhi is sought by petitioners on the ground that the matrimonial dispute between petitioner No.1-husband and respondent No.2-wife stands amicably settled before Counseling Cell, Karkardooma Courts, Delhi in terms of Settlement of 30th May, 2019 and decree of divorce has been already granted by the Family Court on 4th October, 2019.

Notice.

Mr.R.S.Kundu, Additional Standing Counsel for respondent No.1/State submits that respondent No.2 is present in the Court and she has been duly identified to be complainant of FIR in question on the basis of identity proof furnished by her.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved through Counseling Cell, Karkardooma Courts, Delhi and terms of settlement reached between the parties have been fully acted upon as today, she has received the balance settled amount of

Rs.5,00,000/- by way of demand draft bearing No.589169, dated 7th November, 2019, drawn on Punjab National Bank, Maharani Bagh, New Delhi from petitioners. Respondent No.2 submits that now, no grievance against petitioners survives and so, the FIR in question and proceedings emanating therefrom be quashed.

Since the subject matter of the FIR in question is essentially matrimonial, which stands mutually and amicably resolved between the parties and decree of divorce has been already granted by the Family Court, no useful purpose would be served in continuation of proceedings arising out of FIR in question.

In view of the above, FIR No. 37/2019, under Sections 498-A/406/34 IPC, registered at police station Laxmi Nagar, Delhi and the proceedings emanating therefrom, are hereby quashed qua petitioners.

This petition stand disposed of. Pending applications are disposed of as infructuous.