
(2020) 01 DEL CK 0338

In the Delhi High Court

Case No : Criminal Writ Petition No. 1479 Of 2019, Criminal Miscellaneous Application No. 10895, 10896 Of 2019

Pankaj @ Lekhraj & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 17-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 498A

Citation : (2020) 01 DEL CK 0338

Hon'ble Judges : Brijesh Sethi, J

Bench : Single Bench

Advocate : Mukund Yadav, R.S.Kundu

Final Decision : Disposed Of

Judgement

Brijesh Sethi, J

Quashing of FIR No. 170/2017, under Section 498-A/34 IPC, registered at police station Moti 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 Delhi Mediation Centre in terms of Settlement Agreement of 16th January, 2018 and decree of divorce has been already granted by the Family Court on 28th September, 2018.

Learned counsel for the petitioners submits that Amended Memo of Parties impleading Guddi Devi and Atul Kumar as petitioners has been placed on record on 18th July, 2019.

The Amended Memo of Parties dated 18th July, 2019 is taken on record.

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 Delhi High Court Mediation and Conciliation Centre and terms of Settlement Agreement of 16th January, 2018 have been fully acted. Respondent No.2 affirms that decree of divorce has been already granted by the Family Court on 28th September, 2018 and submits that 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. 170/2017, under Section 498-A/34 IPC, registered at police station Moti Nagar, Delhi and the proceedings emanating therefrom, are hereby quashed qua petitioners.

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