
(2019) 12 DEL CK 0423

In the Delhi High Court

Case No : Criminal Writ Petition No. 3567 Of 2019, Criminal Miscellaneous
Application No. 43343 Of 2019

Samarth Goyal & Ors

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 23-12-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 377, 406, 498A

Citation : (2019) 12 DEL CK 0423

Hon'ble Judges : Brijesh Sethi, J

Bench : Single Bench

Advocate : Mahesh Tiwari, R.S.Kundu, Hitesh Vali

Final Decision : Disposed Of

Judgement

Brijesh Sethi, J

Quashing of FIR No. 623/2018, under Sections 498-A/406/377/34 IPC, registered at police station Shakar Pur, 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 High Court Mediation and Conciliation Centre in terms of Settlement Agreement of 7th August, 2019 and decree of divorce has been already granted by the Family Court on 31st 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 Delhi High Court Mediation and Conciliation Centre and terms of Settlement Agreement of 7th August, 2019 have

been fully acted upon as today, she has received the balance settled amount of Rs.6,00,000/- by way of demand draft bearing No.511537, dated 6th December, 2019, drawn on ICICI Bank from petitioners. Respondent No.2 affirms that decree of divorce has been already granted by the Family Court on 31st October, 2019 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. 623/2018, under Sections 498-A/406/377/34 IPC, registered at police station Shakar Pur, Delhi and the proceedings emanating therefrom, are hereby quashed qua petitioners.

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