

(2021) 04 DEL CK 0212

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1297 Of 2021, Criminal Miscellaneous Application No. 6597 Of 2021

Subash Chandra Kumar & Anr

APPELLANT

Vs

State (Nct Of Delhi) Through Home Secretary & Anr.

RESPONDENT

Date of Decision : 26-04-2021

Acts Referred:

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

Citation : (2021) 04 DEL CK 0212

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : Ravinder Kumar, Amit Chadha

Final Decision : Disposed Of

Judgement

Suresh Kumar Kait, J

The hearing has been conducted through video conferencing.

1. Vide this petition, quashing of FIR No. 327/2018, under Sections 498-A/406/34 IPC, registered at police station Tilak Nagar, Delhi is sought by petitioners.

2. Notice.

3. Mr. Amit Chadha, learned Additional Public Prosecutor for respondent No.1/ State accepts notice and he submits that respondent No.2 is present through video conferencing and she has been duly identified to be complainant of FIR in question by the Investigating Officer of this case, who is also present through video conferencing.

4. With the consent of both the sides, the present petition has been taken up for final hearing and disposal.

5. Learned counsel for petitioners submits that marriage between petitioner No.1

and respondent no.2 was solemnized on 16.09.2015 as per Hindu rites. However, due to different mindsets, temperaments and incompatibilities, they started living separately from 01.01.2018. Further submitted that the matrimonial dispute between petitioner No.1-husband and respondent No.2-wife stands amicably settled before Mediation Centre, Tis Hazari Courts, Delhi in terms of Settlement dated 16.01.2020 and decree of divorce has been already granted by the Family Court on 28.01.2021.

6. Respondent No.2, present through video conferencing affirms that the matrimonial dispute has been amicably resolved through Mediation Centre, Tis Hazari Courts, Delhi and terms of settlement dated 16.01.2020 have been fully acted upon. Respondent No.2 submits that no grievance against petitioners survives and so, the FIR in question and proceedings emanating therefrom be quashed.

7. Taking into account the aforesaid facts, this Court is inclined to quash FIR as no useful purpose would be served in prosecuting petitioners any further.

8. For the reasons afore-recorded, FIR No. 327/2018, under Sections 498-A/406/34 IPC, registered at police station Tilak Nagar, Delhi and consequent proceedings emanating therefrom are hereby quashed.

9. The petition is, accordingly, allowed and disposed of.

10. Pending application is disposed of as infructuous.