

Sh. Sumit Mehra & Ors vs State (Govt. Of Nct Of Delhi) & Anr on 25 February, 2019

Author: Najmi Waziri

Bench: Najmi Waziri

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL. M.C. 1064/2019 & CRL. M.A. 4238/2019

SH. SUMIT MEHRA & ORS. Petitioners
Through: Mr. Sumer Singh Boparai, Advocate
alongwith petitioner nos. 1 and 2.

Versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Kamal Kumar Ghei, APP for
State with SI Seema, PS-Dwarka
(North).
Mr. Anurag, Advocate for R-2
alongwith R-2.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI
ORDER

% 25.02.2019 This petition seeks quashing of FIR No. 175/2017 registered under sections 498A/406/34 IPC at Police Station, Dwarka (North), Delhi on a complaint by the complainant/respondent no. 2 apropos matrimonial lis and allegations of assaults and cruelties by petitioner no. 1 and his relatives. The matrimony between the complainant/respondent no. 2 and petitioner no. 1 has ended by way of a Decree of Divorce by mutual consent dated 20.02.2019. The lis has been amicably settled between the parties by way of a Settlement Agreement recorded on 25.07.2018, whereunder an amount of Rs. 30 lacs was to be paid to the complainant/respondent no. 2, of which the remaining amount of Rs. 4 lacs has been paid to her by way of a Demand Draft bearing No. 051291 dated 22.02.2019 drawn on State Bank of India, Connaught Circus Branch. Petitioner nos. 1 and 2 are present in Court and have been identified by the Investigating Officer. The other petitioners are not present either due to illness or they are stated to be residing outside the country. Apropos the sister of petitioner no. 1 and her husband, the case is not pressed.

Be that as it may, the learned counsel for the complainant/respondent no. 2 states, upon instructions, that since the lis has been amicably settled, the complainant does not wish to pursue her complaint any further and would rather put the unfortunate past behind her and look ahead towards happier times in life.

Since the complainant herself does not wish to pursue her complaint against the petitioners, the substratum of the FIR dissipates and proceedings apropos the same would be an exercise in futility.

Following the dicta of the Supreme Court in Gian Singh Vs. State of Punjab and Another (2012) 10 SCC 303, Narinder Singh & Ors. Vs. State of Punjab & Anr. 2014 6 SCC 466 and Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr. (2013) 4 SCC 58, a case is made out for quashing of the FIR.

In view of the above, the aforesaid FIR and all the proceedings emanating therefrom are hereby quashed.

The petition stands disposed-off in the above terms. A copy of this order be given dasti to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J.

FEBRUARY 25, 2019 RW