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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3226/2023**

RAJESH PRAKASH LOHANI AND ORS Petitioners

Through: Mr. Shiv Kumar Kohli, Advocates.
Petitioners in person.

versus

THE STATE AND ANR Respondents

Through: Mr. Raj Kumar, APP for the State
with SI Ravi Rana, P.S.Mehrauli.
Mr. Vijay Kumar, Advocate for R-2.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **08.05.2023**

CRL.M.A. 12095/2023

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 3226/2023

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No.634/2021, under Sections 498A/406/34 IPC, registered at Police Station Mehrauli, Delhi, and all proceedings emanating therefrom.
2. Issue notice. Learned APP appears on advance notice, and accepts notice.
3. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 16.02.2017 according to Hindu rites and ceremonies and they lived together as husband and wife with each other. Thereafter, the

disputes and differences arose between them and they started living separately since 2019. On 11.11.2021, the respondent No.2 got the above said FIR registered against the petitioners.

4. Learned counsel for the petitioners submits that during the pendency of the trial, the parties have settled the matter amicably in terms of the Settlement dated 09.03.2022 arrived at before the Mediation Centre, Saket Courts, Delhi. Copy of the said settlement is placed on record. Accordingly, the petition under Section 13B(2) of the HMA was allowed and the marriage of the petitioner No.1 and respondent No.2 was dissolved vide decree of divorce dated 08.02.2023 passed by the Principal Judge, Family Courts, Saket, New Delhi. The copy of the decree is already on record.

5. Petitioners and respondent no.2 are present in Court and they have been identified by the IO. I have interacted with the parties and they submit that they have settled their disputes. Respondent No.2 admits that she has settled the matter amicably with the petitioners. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. As per settlement, today, a demand draft of Rs. 4,00,000/- (bearing no. 001056 dated 06.05.2023 drawn on HDFC Bank.) has been handed over to respondent no.2. Respondent No.2 submits that nothing remains to be adjudicated further between them and she has no objection if the FIR in question is quashed.

6. Learned APP for the State submits that in view of the settlement, the State has no objection if the FIR in question be quashed.

7. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the

process of law. Consequentially, this petition is allowed and FIR No.634/2021, under Sections 498A/406/34 IPC, registered at Police Station Mehrauli, Delhi, and the proceedings emanating therefrom shall stand quashed.

8. The present petition stands disposed of accordingly.

9. Investigating Officer, who is present in Court today has failed to answer the certain queries. This has become routine invariable practice that the main Investigating Officers who have investigated the case are not appearing and substitute officials are appearing on their behalf and they are not versed with the facts of the cases .

10. Let the matter be brought to the notice of the Commissioner of Police, who shall immediately take action and ensure that IOs who investigated the case be present in Court when the case pertaining to the particular police station is taken up for hearing.

RAJNISH BHATNAGAR, J

MAY 8, 2023/ib