

(VIA VIDEO CONFERENCING)

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

+ CRL.M.C. 2744/2021

SAURABH GOGIA AND OTEHRS Petitioners

Through: Mr. Pawan Kumar and Mr. Ravi Bassi, Advocate.
Petitioners in person.

versus

STATE AND ANR. Respondents

Through: Mr. Ashok Kr. Garg, APP with SI Vivek Malik, P.S. Safdarjung Enclave.
Mr. Ambuj Tiwari, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **08.11.2021**

CrI.M.A. 17457-58/2021

Exemption allowed, subject to just exceptions.

The application stands disposed of.

CRL.M.C. 2744/2021

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No.0286/2019, under Section 498A/323/341/506/34 IPC, registered at Police Station Safdarjung Enclave, Delhi, and all proceedings emanating therefrom.

2. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 6.12.2014 according to Hindu rites and ceremonies and they lived together as wife and husband with each other. One baby girl was born out of the said wedlock on 2.9.2016. After the marriage, the disputes

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and differences arose between them and they started living separately since 15.10.2019. On 18.10.2019, the respondent No.2 got the above said FIR registered against the petitioners.

3. Counsel for the petitioners submits that during the pendency of the trial, the parties have settled the matter amicably in terms of the Settlement/MOU dated 16.7.2021. Copy of the said settlement is placed on record. Accordingly, the petition under Section 13-B(2) of the HMA Act was allowed and the marriage of the petitioner No.1 and respondent No.2 was dissolved vide decree dated 29.09.2021 passed by the Principal Judge, Family Court, South Saket Courts. New Delhi. The copy of the decree is already on record.

4. Petitioners are present in Court today through VC. Respondent No.2 is also present in Court today and she has 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. 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.

5. It is submitted by the counsel for the petitioners that the visitation rights of the girl child have not been given to the petitioner-husband. He further submitted that at least respondent no.2 may be directed to sent e-mail every month informing about the well-being of the girl child. Respondent no.2 who is present though VC submitted that she has no objection to the same and she would be sending e-mail to the petitioner-husband every month keeping him informed about the well being of the girl child.

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

6. 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.0286/2019, under Section 498A/323/341/506/34 IPC, registered at Police Station Safdarjung Enclave, Delhi, and the proceedings emanating therefrom shall stand quashed.

7. During the course of VC petitioner no. 5 has appeared through VC for his identification by the IO in his vest. The conduct of the petitioner no.5 in appearing before the Court in his vest is totally unacceptable. Even though the proceedings were being conducted through VC he should have appeared before the Court in proper clothes. Therefore, costs of Rs.10,000/- is imposed upon petitioner no.5 for his aforesaid conduct, to be deposited with the Delhi High Court Legal Services Committee within a week from today

7. The present petition stands disposed of accordingly.

RAJNISH BHATNAGAR, J

NOVEMBER 8, 2021

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