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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3030/2010 & Cri.M.A. No.15469/2010

SANJAY GUPTA & ANR

..... Petitioners

Through : Mr. Sheikh Imran, Adv. for P-1 with
petitioner No.1 in person.

Mr. Deepak Acharya, Adv. for P-2
with petitioner No.2 in person.

versus

STATE

..... Respondent

Through : Ms. S. Kohli, APP for State.

SI S. Lal, PS New Ashok Nagar.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

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22.09.2010

1. The present petition is filed by the petitioner No.1, Shri Sanjay Gupta, and the petitioner No.2, Smt. Shivani Gupta, husband and wife, under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.417/2005 lodged by the petitioner No.2, against her husband, petitioner No.1, under Section 406/498-A/34 IPC registered with PS New Ashok Nagar, and all proceedings arising out therefrom.

2. It is stated by the parties that the marriage of the petitioner No.1 and the petitioner No.2 was solemnized on 28.2.2002 and from out of the wedlock, there is a minor female child. Due to certain temperamental differences, the petitioner No.2 left her matrimonial home on 30.7.2004 and started living separately and thereafter lodged the aforesaid FIR against the petitioner No.1 on 19.9.2005.

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3. After investigations were completed, a challan was filed by the police authorities in the court of learned Metropolitan Magistrate. It is stated that during the pendency of the aforesaid proceedings and the proceedings initiated by the petitioner No.2 against petitioner No.1, under Section 125 Cr.P.C., the trial court facilitated the parties to approach the Delhi Mediation Centre, Karkardooma Courts, for exploring the possibility of arriving at a negotiated settlement. It is further stated that the parties have now arrived at a negotiated settlement before the aforesaid Centre on 26.9.2009 (Annexure-C). In terms of the aforesaid settlement, the petitioner No.1 agreed to pay a total sum of ₹.2,15,000/- to the petitioner No.2, out of which a sum of ₹.1,15,000/- was paid by the petitioner No.1 to the petitioner No.2 at the time of when he applied for bail and the remaining sum of ₹.65,000/- was paid to the petitioner No.2 at the time of filing of Second Motion for divorce by mutual consent. Both the parties state that a decree of divorce has already been granted to them on 15.7.2010. It is further agreed by the petitioner No.2 that she shall withdraw the pending case against the petitioner No.1, having arrived at the aforesaid mutual settlement.

4. Both the parties are present in the Court and confirm the fact that they have arrived at the above noted settlement of their own free

will and volition and without any undue influence or coercion
from any quarters. 3

5. Learned APP for the State, on instruction from the IO, confirms the fact that the parties have arrived at a settlement. He, therefore, does not oppose the prayer made in the present petition.

6. This Court has heard counsels for the parties. In view of the submission made by the counsels for the petitioners and in view of the fact that the parties have arrived at a settlement of their own free will and volition and without any undue influence or coercion from any quarters, no useful purpose will be served by proceeding further with the aforesaid FIR and the proceedings arising out therefrom.

7. Accordingly, the prayer made in the petition is allowed and FIR No.417/2005 lodged by the petitioner No.2 with PS New Ashok Nagar, Delhi and all proceedings arising out therefrom stand quashed.

8. The petition is disposed of along with the pending application. File be consigned to the record room.



HIMA KOHLI, J

SEPTEMBER 22, 2010
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