

34.

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3076/2010

RAKESH GUPTA & ORS

..... Petitioners

Through: Mr. Girish Gaur, Advocate with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr. Sunil Sharma, APP for the State.
Mr. Ajay Kumar Singh, Advocate with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

%

27.09.2010

1. The present petition is filed by the petitioners under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.290/2004 lodged by the complainant/respondent No.2; against her husband, petitioner No.1, and his family members, petitioners No.2 to 6, under Sections 406/498A/34 IPC registered with PS Uttam Nagar, Delhi and all proceedings arising out therefrom.

2. Counsel for the petitioners states that the marriage of the petitioner No.1 and the complainant/respondent No.2 was solemnized on 26.06.1998 at Delhi. However, on 19.08.2003, due to disputes and differences between the parties, they started living separately. The

CRL.M.C. 3076/2010

Page 1 of 4

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

aforesaid FIR came to be lodged on 01.04.2004 whereafter, the investigations was completed and the matter is at the stage of framing of charges. In the meantime, the parties appeared before the Mediation Centre, Tis Hazari Courts and arrived at a settlement, reduced into writing on 21.11.2009. A copy of the Settlement Agreement is handed over by the counsel for the petitioners and taken on record. In terms of the settlement, the petitioners have agreed to pay a sum of ₹ 6,00,000/- to the respondent No.2 in full and final settlement of all her claims against the petitioners. It was agreed that a sum of ₹ 1,50,000/- would be paid to respondent No.2 at the time of hearing of first motion filed by the petitioner No.1 and the respondent No.2 jointly before the learned ADJ seeking divorce by mutual consent.

3. Today, it is stated that the aforesaid amount has already been paid to respondent No.2. Another sum of ₹ 1,50,000/- was paid to respondent No.2 at the time of filing of the second motion petition. Thereafter a divorce decree dated 2.7.2010 has been passed by the learned ADJ granting divorce to the parties by mutual consent (Annexure P-1). Today, a cheque bearing No.270848 dated 27.9.2010 drawn on Andhra Bank, Special Housing Finance Branch, Gurgaon amounting to ₹ 3,00,000/- is handed over to the counsel for the respondent No.2.

3

4. The complainant/respondent No.2, who is present in Court and represented by her counsel, confirms the aforesaid position and affirms that the parties have arrived at a settlement pursuant to which, she has received a sum of ₹ 6,00,000/- in full and final settlement of all her claims against the petitioners. She further states that in view of the settlement arrived at between the parties, she does not want any further action to be taken on the aforesaid FIR. She also states that she shall withdraw all other proceedings filed by her against the petitioners, including the one preferred under Section 125 Cr.P.C. and execution proceedings arising out therefrom, on the next date of hearing fixed before the learned ADJ.

5. Learned APP for the State states that in view of the settlement arrived at between the parties, he has no objection to the prayer made in the present petition being allowed.

6. This Court has heard the counsels for the parties and perused the record and has also considered the submissions made by the parties. 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 therefrom.

7. Accordingly, the prayer made in the petition is allowed:
FIR No.290/2004 lodged by the complainant/respondent No.2 with
Police Station: Uttam Nagar, and all the proceedings arising therefrom
stand quashed.

8. The petition is disposed of. File be consigned to the record room.



HIMA KOHLI,J

SEPTEMBER 27, 2010
mk