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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 3104/2010
KAMALKISHORE & ORS Petitioners

Through: Mr. Mahesh Verma, Advocate with
petitioners No.1 and 3 in person.

Ms. Mamta Chandra, Advocate with
complainant/petitioner No.6 in person.

versus

STATE Respondent

Through: Mrs. S. Kohli, APP for the State.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% 29.09.2010

1. The present petition is filed by the petitioners under Section 482 of the Cr.PC praying *inter alia* for quashing of FIR No.572/2008, lodged by the complainant/petitioner No.6, wife of the petitioner No.1 against him and the members of his family, petitioners No.2 to 5 under Sections 498A/406/34 IPC, registered with Police Station: Paschim Vihar, Delhi.

2. It is stated by the counsel for the petitioners that the marriage of petitioner No.1 and the complainant/petitioner No.6 was solemnized on 26.11.2007. As disputes and differences arose between the parties, they started living separately w.e.f. 25.05.2008. In December 2008, the aforesaid FIR was registered by the complainant/petitioner No.6 against petitioners No.1 to 5. In the

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meantime, with the intervention of the common friends and relatives, the parties arrived at a settlement.

3. A Compromise Deed dated 22.01.2009 (Page 18 to 21) is placed on the record. It is stated by the counsel for the petitioners that in terms of the compromise, both the parties filed a joint petition for seeking divorce by mutual consent, which was decreed by the learned Additional District Judge vide order dated 04.03.2010 (Page 28). It is further stated that petitioner No.1 had agreed to pay a sum of Rs.6 lacs to the complainant/petitioner No.6 in the manner as set out in para 2 of the Compromise Deed in full and final settlement of all her claims against the petitioners. Out of the aforesaid amount, a sum of Rs.4 lacs has already been received by the complainant/petitioner No.6, thus leaving a balance sum of Rs.2 lacs, which is handed over by the petitioners in Court today in the following manner:-

(i) DD No.204874 dated 27.09.2010 drawn on ICICI Bank, Janakpuri, New Delhi for Rs.45,000/-.

(ii) DD No.205909 dated 28.09.2010 drawn on ICICI Bank, Faridabad Branch, for Rs.45,000/-.

(iii) DD No.199646 dated 28.09.2010 drawn on State Bank of India, Jawalapuri, Delhi, for Rs.45,000/-.

(iv) DD No.199647 dated 28.09.2010 drawn on State Bank of India, Jawalapuri, Delhi, for Rs.45,000/-.

(v) Rs.20,000/- in cash.

4. The complainant/petitioner No.6, who is present in Court and represented by her counsel, confirms the fact that the parties have arrived at a settlement as recorded in the Compromise Deed dated 22.01.2009. She also confirms that she has received a sum of Rs.6 lacs in full and final settlement of all her claims against petitioners No.1 to 5 and nothing further is due or outstanding. She also states that the aforesaid settlement has been arrived at of her own free will and volition and without any undue influence or coercion from any quarters and that she does not want any further action to be taken on the aforesaid FIR.

5. Learned APP for the State submits that after completion of the investigation, charge sheet has been filed in the concerned court. She further states that in view of the settlement arrived at between the parties, she 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. 4

7. Accordingly, the prayer made in the petition is allowed. FIR No.572/2008 lodged by the complainant/petitioner No.6 with Police Station: Paschim Vihar 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 29, 2010
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