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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3154/2010

AKHIL BANGA & ORS

..... Petitioners

Through: Mr. Gurusharan Singh, Advocate with
Mr. Mukesh Sharma, Advocate alongwith
petitioners No.1 to 5 in person.

versus

STATE & ANR

..... Respondents

Through: Mr. M.N. Dudeja, APP for the State.
Mr. Pradeep Kumar, Advocate with Ms. Shweta
Shukla, Advocate with respondent No.2/
complainant in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 01.10.2010

1. The present petition is filed by the petitioners under Section 482 of the Cr.PC praying *inter alia* for quashing of FIR No.95/2009, lodged by respondent No.2/complainant against her husband, petitioner No.1 and his family members, petitioners No.2 to 5 under Sections 406/498A/34 IPC, registered with Police Station: Crime Against Women Cell, Nanak Pura, New Delhi.

2. Counsel for the petitioner states that the marriage of petitioner No.1 and respondent No.2/complainant was solemnized on 10.10.2008. Effective from 13.02.2009, the parties started living

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separately due to temperamental differences between them. Thereafter, on 13.02.2009, the respondent No.2/complainant lodged the aforesaid complaint. In the same month, petitioner No.1 filed a petition for divorce, which came to be dismissed in default. In the meantime, respondent No.2/complainant also filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act.

3. In the meantime, when the parties approached the court for grant of bail, they arrived at an amicable settlement with the intervention of the court, the terms and conditions of which are reduced into writing in the Compromise Deed dated 31.08.2009 (Page 64 to 69). In terms of the settlement, the petitioners had agreed to pay a sum of ₹40 lacs in full and final settlement of all the claims of the respondent No.2/complainant. Out of the aforesaid amount, a sum of ₹10 lacs was paid at the time when the petitioners were granted bail and an additional sum of ₹10 lacs was paid at the time of grant of divorce. Incidentally, a decree of divorce has been granted to the parties on 09.09.2010 (Page 75 and 76).

4. Counsel for the petitioners states that the remaining sum of ₹20 lacs has been paid to the respondent No.2/complainant in the following manner:-

(i) DD No.018934 dated 15.05.2010 drawn on Bank of India, Mai Hiran Gate Branch, Jalandhar, for ₹50,000/-.

(ii) DD No.175254 dated 18.08.2009 drawn on Allahabad Bank, Mai Hiran Gate Branch, Jalandhar, for ₹50,000/-.

(iii) DD No.029734 dated 08.09.2010 drawn on Union Bank of India, New Delhi, for ₹8,00,000/-.

(iv) DD No.211031 dated 22.04.2010 drawn on The South Indian Bank Limited, Pondicherry Branch, for ₹3,00,000/-.

(v) DD No. 211032 dated 22.04.2010 drawn on the South Indian Bank Limited, Pondicherry Branch, for ₹3,00,000/-.

(vi) DD No.184133 dated 16.09.2010 drawn on Deutsche Bank, Kasturba Gandhi Marg, ECE House, New Delhi, for ₹3,00,000/-.

(vii) ₹2 lacs in cash.

5. Counsel for the respondent No.2/complainant confirms the aforesaid position and states that the aforesaid settlement has been arrived at with his client of her own free will and volition and without any undue influence or coercion from any quarters. Respondent No.2/complainant is also present in Court. She also confirms having received the entire sum of ₹40 lacs from the petitioners as noted above.

6. Learned APP for the State submits 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.

7. This Court has heard counsels for the parties. In view of the submission made by the respondent No.2/complainant and in view

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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.

8. Accordingly, the prayer made in the petition is allowed. FIR No.95/2009, lodged by respondent No.2/complainant with Police Station: Crime Against Women Cell, Nanak Pura, New Delhi, and all proceedings arising therefrom stand quashed.

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



HIMA KOHLI,J

OCTOBER 01, 2010
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