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

+ **CRL.M.C.No.3524/2011**

% Judgment delivered on:21st October, 2011

AMIT SUNDRA & ORS

..... Petitioners

Through : Ms.Jhum Jhum Sarkar &
Mr.Abhishek AGgarwal, Adv.

versus

STATE & ANR

..... Respondent

Through : Ms.Rajdipa Behura, APP for
State.

Mr.Varun Jain, Adv for R-2 with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

1. Whether the Reporters of local papers
may be allowed to see the judgment? NO
2. To be referred to Reporter or not? NO
3. Whether the judgment should be reported
in the Digest? NO

SURESH KAIT, J. (Oral)

Crl.M.A.No.12506/2011(exemption)

Exemption is allowed subject to just exceptions.

Criminal M.A. stands disposed of.

Crl.M.C.No.3524/2011

1. Learned counsel for the petitioners submits that vide FIR No.97/2006 dated 17.03.2006, case under Section 498A/406/34 Indian Penal Code, 1860 was registered against the petitioners on the complaint of respondent No.2 at police station C. R. Park, New Delhi.
2. Further submits that good senses prevail between the parties and vide MOU dated 05.04.2011, all the issues qua the present FIR has been dissolved.
3. Ms.Sheetal Khanna, respondent No.2 is present in person with her learned counsel Mr.Varun Jain, Advocate who has duly identified her.
4. On instructions, learned counsel for respondent No.2 submits that she has settled all the issues qua the present FIR and she does not wish to pursue the same. Respondent No.2 has no objection, if the present FIR is quashed.
5. Ms.Rajdipa Behura, learned APP for State in the present case, submits that the FIR was registered way back in the year 2006 and since then the government force has been

used and the precious time of the Courts has been consumed. It is further submitted that charge-sheet has since been filed, however, charge yet to be framed against the petitioners. If this Court is inclined to quash the present FIR, costs should be imposed upon the petitioners.

6. I find force in the submission of learned APP. As per the MOU, the petitioners have agreed to pay more than ₹1.00 crore and respondent No.2 is happy to receive the same without any dispute. The said amount shall be given at the time of recording statement of respondent No.2 i.e. at the time of recording second motion statement in the petition for divorce by mutual consent.

7. In view of above, as per the terms and conditions of MOU dated 05.04.2011, FIR No.97/2006, under Section 498A/406/34 Indian Penal Code, 1860 registered against the petitioners at police station C. R. Park, New Delhi and emanating proceedings, if any, are quashed.

8. Further, in the interest of justice, I deem it appropriate to impose a costs of ₹1.00lac upon the petitioners to be paid in favour of Principal, Senior Secondary School for Blind

Boys, Sewa Kutir, BBM Depot Road, Kingsway Camp, Delhi within two weeks from today and proof thereof shall be placed on the record by petitioners.

9. The Principal of said school is directed to initially keep this amount in FDR for a period of three years. The interest accrued thereon shall be utilised for the well being of the needy children of the school. The said FDR shall be got renewed periodically.

10. Accordingly, Criminal M.C.No.3524/2011 is allowed and disposed of in above terms.

11. *Dasti.*

SURESH KAIT, J

October 21st 2011

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