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

+ **CRL.M.C. No. 3905/2011**

% *Judgment delivered on: 25th November, 2011*

DEVESH PALIWAL Petitioner
Through : Mr. V.K. Khurana, Adv.

versus

STATE & ANR. Respondents
Through : Ms.Rajdipa Behura, APP for State
with W/SI Pratibha
Mr. V.K. Shukla, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

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| 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. 18398/2011(exemption)

Exemption allowed, subject to all just exceptions.

CRL.M.C. No. 3905/2011

1. Issue notice.
2. Ms.Rajdipa Behura, learned APP accepts notice on behalf of the

State.

3. Mr. V.K. Shukla, Adv. accepts notice on behalf of respondent No. 2.

4. Learned counsel for petitioner submits that a case under Section 498A/34 of Indian Penal Code, 1860 was registered against the petitioner on the complaint of petitioner No.2 vide FIR No.90 dated 16.03.2010 at police station Mehrauli, Delhi.

5. He further submits that a settlement has arrived at between the parties in the Court of Principal Judge, Family Court, Nagpur on 06.09.2011 whereby all the issues qua the aforesaid FIR have been resolved.

6. Respondent No. 2 Ms. Anshu d/o Shri Narendra Kumar Paliwal is present in the Court with her father and her counsel Shri V.K. Shukla and states that she has settled all the issues qua the aforesaid FIR with the petitioner and she does not wish to pursue the case against petitioner further and has no objection, if the present FIR is quashed.

7. Learned APP for State submits that charge-sheet has been filed against the petitioner in the Trial Court; however, charges are yet to be framed against him.

8. She further submits that since the government machinery has been put into operation and precious time of the Court has been used, heavy costs may be imposed upon the petitioner, if this Court is

inclined to quash the FIR.

9. Learned counsel for petitioner, on instructions from petitioner, submits that petitioner wishes to donate some amount for the welfare purposes. I appreciate the gesture advanced by petitioner.

10. Accordingly, petitioner is directed to deposit a sum of ₹ 50,000/- in favour of the Govt. Lady Noyee School for Deaf, Delhi Gate behind Ferozshah Kotla Stadium, Delhi within two weeks from today. Proof thereof shall be placed on the record.

11. It is further directed that the Principal/Head Master of the School shall keep this amount in FDR initially for two years with any Nationalised Bank to be renewed periodically at the disposal of the Principal / Head Master and the interest accrued thereon shall be utilised for the well being of the needy children of the school.

12. In view of the above, the aforesaid FIR No.90 dated 16.03.2010 registered at police station Mehrauli, Delhi against the petitioner and all the criminal proceedings emanating therefrom, if any, are quashed.

13. Accordingly, Criminal M.C.No.3905/2011 stands allowed and disposed of.

14. *Dasti.*

SURESH KAIT, J

November 25, 2011

RS