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

Date of Decision: August 05, 2015

+ CRL.M.C. 1145/2013
ANKUR CHADHA & ORS. Petitioners

Through: Mr. Shyam Noorjhani & Mr.
Sidharth Joshi, Advocates

versus

STATE & ANR. Respondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent-
State with SI Rajesh Kumar
Mr. Rajesh Sachdeva & Ms. Shoba
Gupta, Advocates for Respondent
No.2
Dr. Umesh Kumar Sahni, Father of
Respondent No.2-in-person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR 189/2011 under Section 406/498A/34 IPC registered at Police station Vikar Puri, Delhi is sought in this petition on the ground of Mediated Settlement of 30th September, 2011 and affidavit of 14th March, 2014 filed by respondent No.2.

Mr. Karan Singh, Additional Public Prosecutor for respondent-State submits that respondent No.2 had appeared before this Court on 21st

November, 2013 and had urged that the terms of settlement are not fully complied with and the matter was adjourned to 27th November, 2013 and on the said date, respondent No.2, who had appeared in person, sought exemption from personal appearance in future due to her employment abroad while undertaking that she would be duly represented by her counsel.

It is submitted by learned Additional Public Prosecutor for respondent-State that father of respondent No.2, who holds an attorney in his favour from respondent No.2, is present in the Court and has instructions to submit that the diamond set, which respondent No.2 had worn on *Karwachauth* has not been returned. Alongwith counter-affidavit, copy of admitted list of articles (*Annexure R-1*) has been filed to show that petitioner had admitted to return the same set, which was worn by respondent No.2 on *Karwachauth*.

During the course of hearing, learned counsel for respondent No.2 had submitted that the photographs of *Karwachauth* would show that she was wearing the diamond set. Since the photographs with negatives are not on record, therefore, the said photographs are excluded from consideration, particularly, in view of the fact that respondent No.2 in her affidavit has given a clear '*No Objection*' to quashing of this FIR subject to payment of ₹1.5 lac.

Today, learned counsel for petitioners has placed on record demand draft of ₹1.5 lac, alongwith its copy, and had submitted that to put an end to the controversy regarding the diamond set, petitioner-husband is ready to tender demand draft of ₹1 lac to counsel/Attorney of respondent No.2. Learned counsel for respondent No.2 submits that in all fairness,

petitioner should at least tender the value amount i.e. ₹2.75 lac in lieu of the diamond set.

At this stage, learned counsel for petitioners draws the attention of this Court to the seizure memo of 3rd August, 2011 to show that two gold sets and one gold chain has been already returned to father of respondent No.2, who has acknowledged it on the seizure memo itself.

Be that as it may. Since second respondent has already filed an affidavit in support of this petition giving no objection to quashing of the FIR in question subject to payment of ₹1.5 lac, therefore, the FIR in question deserves to be quashed while calling upon petitioner-husband to give another demand draft of ₹1 lac to counsel/Attorney of respondent No.2 within a week.

In light of the aforesaid, the FIR 189/2011 under Section 406/498A/34 IPC registered at Police Station Vikar Puri, Delhi shall stand quashed qua petitioners subject to petitioners depositing the demand draft of ₹1 lac with the Investigating Officer within a week. The demand draft of ₹1.5 lac tendered today be handed over to the Investigating Officer. Attorney of respondent No.2 is permitted to accept the two demand drafts from the Investigating Officer within a week thereafter. In case, Attorney of respondent No.2 chooses not to accept the aforesaid two demand drafts i.e. of ₹1.5 lac and ₹1 lac, the same be returned to petitioner-husband with direction to petitioner to deposit an amount of ₹2.5 lac with the Prime Minister's Relief Fund within two weeks of return of these demand drafts. In case of refusal by Attorney of respondent No.2 to accept the above-said two demand drafts, petitioner shall place on record copy of receipt indicating deposit of ₹2.5 lac with

the Prime Minister Relief Fund and thereafter only, the FIR of this case shall stand quashed.

This petition stands disposed of in aforesaid terms.

(SUNIL GAUR)
JUDGE

AUGUST 05, 2015

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