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

+ **CRL.M.C. 1443/2015**

HIMANSHU AGGARWAL & ORS Petitioners
Through **Mr. R.P.S. Sirohi and Mr. Anil Kumar, Advocates along with petitioner nos. 1 and 2**

versus

THE STATE (GOVT OF NCT DELHI) & ANR Respondents
Through **Mr.Ravi Nayak, APP for State SI Dharmender Kumar, P.S. Roop Nagar**
Mr. Sartaj Ahmed, Adv. for respondent no.2 along with respondent no. 2

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH
ORDER
% 15.04.2015

Crl. M.A Nos. 5320/2015 and 5321/2015 (Exemption)

Exemptions allowed, subject to all just exceptions.

The applications are disposed of.

CRL.M.A. No. 5322/2015 (condonation of delay in re-filing the petition)

For the reasons stated in the application, the same is allowed.

The delay in re-filing the petition is condoned.

CRL.M.C. 1443/2015

The present petition has been filed by the petitioners under Section 482 Cr.P.C. for quashing of FIR No. 26/2014, under Sections 406/498-A/34

IPC, registered at P.S. Roop Nagar, Delhi on the complaint of respondent No.2.

Brief facts of the case are that respondent No.2 got married to petitioner No. 1 on 5th December, 2011 according to Hindu rites and ceremonies. Due to temperamental differences, they are living separately from each other since 6th February, 2013. In the meanwhile, on the basis of the complaint made by respondent No.2, the aforesaid FIR was registered against the petitioners on 21st January, 2014.

During the pendency of the proceedings, the petitioner and respondent No.2 have settled their disputes amicably. The said settlement was arrived at between them before the Delhi Mediation Centre, Tis Hazari Courts, Delhi on 20th February, 2014. Copy of the mediation report is placed on the record. The said settlement has been acted upon between the parties. They have also obtained divorce decree by mutual consent on the basis of the settlement. Copy of the decree dated 25th November, 2014 is also placed on the record.

In terms of the settlement, petitioner no. 1 has paid the balance amount of Rs. 7 lakhs to respondent No.2 by way of demand draft bearing no. 573298 dated 2nd March, 2015 drawn in favour of respondent no. 2.

When the matter is taken up today, only the petitioners Nos.1 and 2 are present who are duly identified by their counsel. The other petitioners No. 3 to 5 are not present. They are the relatives of petitioner No.1/husband. Respondent No.2 is present in Court who is duly identified by her counsel. She has no objection if the appearance of the petitioners Nos. 3 to 5 be dispensed with, in view of the fact that the disputes between the parties have already been resolved and the settlement is acted upon between them. She

has also confirmed the settlement as well as receiving of the entire amount from petitioner No.1 in terms thereof. She has no objection if the prayer made in the petition is allowed. She has also filed her affidavit in this regard which is placed on the record.

Considering the peculiar facts and circumstances of the case, the presence of petitioner Nos. 3 to 5 is exempted.

In view of the averments made in the petition as well as the settlement arrived at between the parties, FIR No. 26/2014 under Sections 406/498-A/34 IPC, registered at P.S. Roop Nagar, Delhi, and proceedings pursuant thereto are hereby quashed qua the petitioners.

The petition is accordingly disposed of.

APRIL 15, 2015/sd


MANMOHAN SINGH, J