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

+ **CRL.M.C. 103/2015**

SH. SHAWAL SHARMA & ORS. Petitioners
Through **Mr. Vivek Aggarwal, Adv.**

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents
Through **Ms. Jasbir Kaur, APP for the State**
Ms. Geeta A. Kumar, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

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14.01.2015

Crl. M.A.465/2015 (Exemption)

Exemption allowed, subject to just exceptions.

Application is disposed of.

CRL.M.C.103/2015

The present petition has been filed by the petitioner under Section 482 Cr.P.C. for quashing of FIR No.7/2013, under Section 498-A/406/34 IPC, registered at P.S. Bara Hidu Rao, Delhi on the complaint of respondent No.2.

Brief facts of the case are that the marriage between the petitioner No.1 and respondent No.2 was solemnized on 7th December, 2009 according to Hindu rites and ceremonies at Delhi. After the marriage, the petitioner No.1 and respondent No.2 started

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living together at their matrimonial house at Delhi. Out of the wedlock one female child namely Lavanya was born on 3rd September, 2010, who is now in permanent care and custody of respondent No.2. Since 13th May, 2011, they are living separately from each other. On the complaint of respondent No.2, the aforesaid FIR was registered against the petitioner on 23rd February, 2013. During the course of the proceedings, the petitioner No.1 and respondent No.2 have settled their disputes amicably before the Mediation Centre, Tis Hazari Courts, Delhi on 5th April, 2013. Copy of Settlement/Agreement is placed on record. The marriage between petitioner No.1 and respondent No.2 has also been dissolved by virtue of a decree of divorce by mutual consent, dated 25th March, 2014. Copy of the said judgment is also placed on the record.

Petitioner No.1 and Respondent No.2 are present in the Court and are identified by their respective counsels. She has also confirmed the settlement as well as receiving the partial amount from petitioner No.1 in terms thereof. As per settlement, Rs.3,00,000/- was to be paid to the respondent No.2 by petitioner No.1 after dissolution of marriage. The present petition for quashing of FIR was filed in December, 2014 whereas, the marriage was dissolved by mutual consent on 25th March, 2014. Learned counsel for respondent No.2 states that the said amount of Rs.3,00,000/- has not been paid to the respondent No.2. There is a delay on the part of petitioners of about more than nine months in filing the petition for quashing of FIR. Petitioners have handed over the bank draft of Rs.3,00,000/- to the respondent No.2. She has accepted the same.

As far as the delay of about nine months in making the payment is concerned, the petitioner No.1 has agreed to pay a sum of Rs.20,000/- (Rupees Twenty thousand only) to the respondent No.2 within one week. Respondent No.2 agrees upon the same and states that she has no objection if the prayer made in the petition is allowed subject to payment of Rs.20,000/- by the petitioner No.1 within one week.

In view of the settlement, the FIR No.7/2013, under Section 498-A/406/34 IPC, registered at P.S. Bara Hindu Rao, Delhi and proceedings pursuant thereto are hereby quashed qua the petitioner subject to payment of Rs.20,000/- by the petitioner No.1 within one week.

In view of the settlement respondent No.2 has also agreed to withdraw the contempt petition which is to be listed on 3rd March, 2015 before another bench of this Court.

The petition is accordingly disposed of.


MANMOHAN SINGH, J

JANUARY 14, 2015

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