

\$~38

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1777/2015**
LAKSHAY @ HAPPY & ORS Petitioners
Through: Mr.Arun Sharma & Mr. Saleem
Ahmed, Advs.

versus

THE STATE (NCT OF DELHI) & ORS Respondents
Through: Ms. Kamna Vohra, ASC for the State
with SI Surender Singh, PS Bindapur.
Mr.Mohd. Anas, Adv. for R-3.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR
ORDER
% **19.08.2015**

Crl.M.A.11921/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1777/2015

The petitioner No.1 is the husband of respondent No.3 whereas petitioners No.2, 3, 4 and 5 are directly related to petitioner No.1. The petitioners seek quashing of the FIR No.67/2014 (PS Binda Pur) instituted under Sections 406, 498A and 34 IPC.

The petitioner No.1 and respondent No.3 got married in the year 2012 in accordance with Hindu religious rites and customs. The relationship of man and wife went through a rough patch and finally petitioner No.1 and respondent No.3 decided to discontinue with their matrimonial obligations.

The matter was referred to Mediation Cell and with the help of the Mediator, the petitioners and respondent No.3 realised the futility of continuing with any further litigation once they have decided to part ways amicably.

A settlement was arrived at on 30.5.2014 whereby it was agreed upon between the parties that an amount of Rs.4,20,000/- would be paid to respondent No.3 towards full and final settlement of all her claims. The aforesaid amount was to be paid in instalments. The stages of the instalments have been defined clearly in the settlement agreement dated 30.5.2014.

It has been submitted on behalf of the petitioner that substantial part of the amount which was agreed to be paid to respondent No.3 has already been paid and the balance amount is to be paid to respondent No.3, who is present in court, today.

The balance amount of Rs.1,40,000/- (draft and cash) has been paid to the respondent No.3 in presence of her counsel Mohd. Anas.

As part of the agreement, it was also agreed upon that after the performance of the respective obligation by petitioner No.1, the respondent No.3 would cooperate in getting the FIR quashed.

The investigation in the subject FIR is still continuing and charge-sheet is yet to be filed.

Keeping in mind that the parties have settled their differences which arose during the matrimonial life of petitioner No.1 and respondent No.3 and that respondent No.3 does not have any objection in case the FIR is quashed, this

Court is inclined to accede to the prayer of the petitioners.

The subject FIR i.e. FIR No.67/2014 (PS Binda Pur) and all the emanating proceedings thereof are hereby quashed.

The petition is allowed.

ASHUTOSH KUMAR, J

AUGUST 19, 2015

ns