

\$~30

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1664/2016

PAWAN & ORS.

..... Petitioner

Through

Mr N.K. Mishra and Mr Rahul Kumar,
Advs.

versus

THE STATE & ANR.

..... Respondent

Through

Mr. Hirein Sharma, APP along with
W/ASI Sudesh, Police Station Jabbarpur
Kalan
Mr. Udham Singh, Advocate for R-2
along with R-2 (complainant) in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

O R D E R

%

02.05.2016

Crl. M.A. No. 7095/2016 (exemption)

Allowed subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1664/2016

This is a petition u/s 482 Cr.P.C. for quashing of FIR 149/2013 u/s 498A/406/34 IPC registered with Police Station Jafarpur Kalan and consequent proceedings emanating therefrom on the ground of settlement.

Counsel for the petitioners submits that the petitioner No. 1 got married with respondent No. 2 on 15th December, 2011, however, due to differences in nature and temperaments, they started living separately since January, 2013. Several cases were registered against the petitioners. The matter was referred to Mediation Centre, Dwarka Courts and the parties have settled all their disputes vide settlement for a total sum of

Rs.4,40,000/- towards full and final settlement of all claims of the complainant which was to be paid as per the terms and conditions mentioned in para 3 of the settlement which is at pages 47 to 49. It is stated that pursuant thereto a total sum of Rs.3 lacs has already been received by respondent No. 2 and the marriage has been dissolved by decree of divorce. As per the settlement, husband was also required to return the belongings of the complainant as per the admitted list. It is stated that some of the articles have been returned and for the balance articles, the petitioners are compensating her by paying a sum of Rs.25,000/- . The complainant has no objection to the same. As such, a total sum of Rs.1,65,000/- has been paid today to respondent No.2 in cash.

The respondent No.2/complainant, who is present in person (duly identified by the Investigating Officer and her counsel) and submits that she has amicably resolved all disputes with the petitioner voluntarily without there being any threat, coercion or pressure of any sort and in view of the settlement arrived at between the parties, she does not want any action against the petitioner and does not have any objection to quashing of the instant FIR.

Mr Hirein Sharma, Additional Public Prosecutor for the State submits that in view of the settlement arrived at between the parties, he has no objection to quashing of FIR.

Keeping in view the facts that the parties have compromised the matter with each other amicably, no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futility and wastage of precious time of the Court.

Accordingly, the petition is allowed and the FIR 149/2013 u/s 498A/406/34 IPC registered with Police Station Jafarpur Kalan and consequent proceedings emanating therefrom are hereby quashed.

The petition stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioners.

SUNITA GUPTA, J

MAY 02, 2016/*rs*