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

+ **W.P.(CRL) 2872/2016**

BRIGANSHU BIR

..... Petitioner

Through: Mr. Pankaj Mehta, Mr. R.K. Mehta &
Ms. Shweta Soni, Advocates.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Rajesh Mahajan, ASC and
Mr. Peeyush Bhatia, Advocate for the
State.
Mr. Sourav Goel, Advocate for and
along with respondent No.2.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
29.09.2016

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Crl. M.A. No. /2016 (to be registered and numbered)

At the outset, learned counsel for the petitioners has tendered in Court an application to file amended memo of parties impleading petitioners No.2 to 5, who are co-accused along with petitioner No.1 in the FIR in question.

The amended memo of parties filed along with the application and the Vakalatnama on behalf of petitioners No.2 to 5 tendered in Court are taken on record.

The application be registered and numbered. The same is allowed. The amended memo of parties is taken on record.

Crl. M.A. No. 1540/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 2872/2016

Issue notice. Mr. Mahajan accepts notice on behalf of the State. Respondent No.2 is present with her counsel. She also accepts notice. Learned counsel for the respondent No.2 states that he has filed his Vakalatnama and he identifies respondent No.2.

The petitioners have preferred the present petition to seek quashing of the FIR No.1160/2015 under Section 498A/ 406/ 34 IPC registered at Police Station – Tilak Nagar and the proceedings arising therefrom.

The petition is premised on a compromise arrived at between the petitioners and the respondent No.2. Under the settlement, the petitioner No.1 and respondent No.2, who were married on 24.02.2014, have already obtained divorce vide order dated 18.07.2016. Under the said settlement, the petitioners agreed to make payment of Rs.7,50,000/- towards full & final settlement of the entire claim of respondent No.2. Out of the said amount, Rs.7,00,000/- has been paid till the conclusion of the divorce proceedings. The petitioners have produced DD No.375734 dated 28.09.2016 for Rs.50,000/- in the name of respondent No.2 drawn on Kotak Mahindra Bank, which has been tendered to respondent No.2.

Respondent No.2 submits that under the settlement, the quashing petition had to be moved within two weeks of the obtainment of divorce. However, the same has not been moved till after 2 ½ months. She submits

that this delay has put her to grave inconvenience as her plans to go abroad have got spoiled. She has also to incur expenditure on counsel on account of the delay. She otherwise states that on account of the settlement, she does not oppose the petition and joins the prayer that the FIR in question may be quashed. She further states that she has entered into the settlement out of her own free will and consent.

Considering the fact that the parties have arrived at a settlement, I am inclined to quash the FIR and the proceedings arising therefrom as no useful purpose would be served by proceeding further in the matter. However, in view of the fact that the filing of the petition has been delayed and the same was not filed within two weeks of the obtainment of divorce, as stipulated in clause 2(d) of the settlement agreement, the petitioners shall compensate respondent No.2 by making a further payment of Rs.10,000/-. The costs be paid within two months from today. Subject to the aforesaid, the FIR in question and the proceedings arising therefrom stand quashed.

VIPIN SANGHI, J

SEPTEMBER 29, 2016

B.S. Rohella