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

+ W.P.(CRL) 695/2017 and Crl. M.A. No. 3785/2017

DANISH & ORS Petitioners

Through: Mr. Abdul Salam, Advocate.

versus

THE STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Ashish Negi, Advocate for
Ms.Richa Kapoor, ASC along with SI
Ashwani Kumar, PS-Jyoti Nagar, for
the State.

Mr. Arun Kumar, Advocate for and
along with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

06.03.2017

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Issue notice. Mr. Negi accepts notice on behalf of the State. Respondent No.2/ Nazreen is present. Learned counsel puts in appearance on her behalf as well. The IO is also present and he identifies respondent No.2.

The petitioners have preferred the present writ petition to seek quashing of FIR No.456/2016 under Sections 498A/ 406/ 34 IPC read with Sections 3/ 4 of the Dowry Prohibition Act, registered at PS – Jyoti Nagar, Delhi. The said FIR has been registered on the complaint of respondent No.2/ the wife of petitioner No.1.

The petition is premised on a settlement/ divorce deed executed between the parties, which is placed on record. Under the said deed, the parties have agreed, *inter alia*, to have mutual divorce. The petitioners have

agreed to pay an amount of Rs.2.5 Lakhs to the respondent No.2. Under the settlement, the minor child has to remain in custody of the respondent No.2/ mother. Out of the aforesaid settlement amount, Rs.1 Lakh is payable at the time of quashing of the aforesaid FIR. Learned counsel for the petitioners has brought a pay order for the amount of Rs.1 Lakhs drawn in favour of respondent No.2. A further amount of Rs.1 Lakh is payable upon quashing of FIR No.362/2016, also premised on complaint of respondent No.2. It is informed that the quashing petition in respect of the said FIR has also been simultaneously preferred. The same was listed today before *S.P. Garg, J.* However, the same now stands adjourned to 19.07.2017. The remaining amount of Rs.50,000/- is payable at the time of pronouncement of Talaq.

Respondent No.2 is present in Court. She states that the said settlement has been arrived at by her out of her own free consent and without any threat or coercion or undue influence. She also joins the prayer for quashing of the aforesaid FIR. She has accepted the pay order of Rs.1 Lakh tendered by the petitioners today in Court.

In view of the aforesaid, the petition is allowed. The FIR No.456/2016 and the proceedings arising therefrom are quashed. This is further subject to the condition that the petitioners shall fully abide by the terms of the settlement agreed to between the parties.

Dasti.

VIPIN SANGHI, J

MARCH 06, 2017

B.S. Rohella