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

+ **W.P.(CRL) 2870/2017**

SACHIN UPADHYAY & ORS

..... Petitioners

Through Mr. VK Upadhyay, Advocate

versus

STATE & ANR

..... Respondents

Through Mrs. Srilina Roy, Adv. for Mrs.
Nandita Roy, ASC(Crl) for State with
ASI Jaiveer Singh, PS Khajuri Khas

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **12.10.2017**

Crl.M.A. No.16645/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2870/2017

This is a petition under Article 226 of Constitution of India r/w Section 482 Cr.P.C. filed on behalf of the petitioners for quashing of FIR No.256/2016, under Sections 307/324/342/352/354/377/406/498-A/499/500/506/509/120-B/34 IPC, read with 3 & 4 Dowry Prohibition Act, 1961 registered at Police Station Khajuri Khas, Delhi and all proceedings arising therefrom.

Learned counsel for the petitioners has submitted that the petitioner

No.1 Sachin got married to the respondent No.2 Smt. Neelam on 06.12.2014 as per Hindu rites and customs at Delhi. Counsel further submits that subsequently a misunderstanding had arisen between the parties, which resulted into the registration of the aforesaid FIR against the petitioners. Counsel further submits that after the registration of the said FIR, the near relatives and friends intervened and the matter has been amicably settled between the parties and the same has been reduced into writing on 07.02.2017. Counsel further submits that the said settlement has been acted upon between the parties voluntarily, without any force, pressure or coercion and the settled amount has been paid by the petitioners to the respondent No.2 and the last instalment amounting to Rs.1,50,000/- has also been paid to her vide demand draft bearing No.306333 dated 12.10.2017 and nothing further remains to be paid to her. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 28th August, 2017 passed by the Principal Judge, Family Court (NE), Delhi in HMA No.492/2017 and nothing further remains to be adjudicated between the parties, however, the present FIR is coming as hurdle in the personal life of the petitioners and prays that the FIR may be quashed.

Respondent No.2/complainant is present in person, who has been identified by the IO ASI Jaiveer Singh, Police Station Khajuri Khas, Delhi. Respondent No.2/complainant present in person admits the settlement reached between the parties on 7th February, 2017 and receiving of the settled amount from the petitioners including the last instalment amounting to Rs.1,50,000/- vide demand draft bearing No. 306333 dated 12.10.2017. She further admits dissolution of her marriage with the petitioner No.1 vide

judgment and decree dated 28th August, 2017 passed by the Principal Judge, Family Court (NE), Delhi in HMA No.492/2017 and further submits that nothing further remains to be adjudicated between them and she has no objection if the instant FIR is quashed.

Looking into the above facts and circumstances, since the matter has been amicably settled between the parties and the same has been reduced into writing on 7th February, 2017 and the settled amount has been received by the respondent No.2 and the marriage between the petitioner No.1 and respondent No.2 has already been dissolved vide judgment and decree dated 28th August, 2017 passed by the Principal Judge, Family Court (NE), Delhi in HMA No.492/2017 and nothing further remains to be adjudicated between the parties, to have peace in the life of both the parties and to meet the ends of justice, I deem it appropriate to quash the FIR in question and all subsequent proceedings arising therefrom.

Consequently, FIR No.256/2016, under Sections 307/324/342/352/354/377/406/498-A/499/500/506/509/120-B/34 IPC, read with 3 & 4 Dowry Prohibition Act registered at Police Station Khajuri Khas, Delhi and all proceedings arising therefrom are hereby quashed. Parties shall be bound by the settlement dated 7th February, 2017.

The present petition is allowed and stands disposed of accordingly.

Copy of this order be given *dasti* to the parties, as prayed

I.S.MEHTA, J

OCTOBER 12, 2017

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