

\$~6

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

+ CRL.M.C. 4711/2017 & Crl. M.A. no. 18757/2017

SHAMSHAD & ORS Petitioners

Through Mr. Onkar Nath, Adv.

Versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through Mr. M.S. Oberoi, APP with SI
Naeem Ali of Police Station Gokul
Puri for the respondent no. 1
Mr. Saurabh Kumar Tuteja, Adv. with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

28.11.2017

By this petition under Section 482 Cr.P.C., petitioners have prayed for quashing of the FIR No. 352/2016 under Sections 498-A/406/34 IPC registered at Police Station Gokul Puri on the complaint of respondent no. 2. Respondent no. 2 is wife of petitioner no. 1. Petitioner nos. 2 to 5 are relatives of petitioner no. 1. It is submitted that petitioner no. 1 and respondent no. 2 have settled their dispute amicably; therefore, aforesaid FIR, which is at the investigation stage, may be quashed.

Learned APP submits that Settlement Deed as well as affidavit of respondent no. 2 talks about dissolution of marriage of petitioner no. 1 and respondent no. 2 before the Panchayat, which is not legal. Learned counsels for the petitioner no. 1 and respondent no. 2 submit that the question of dissolution of marriage is not involved in this petition, which has been filed for quashing of the aforesaid FIR in view of the settlement. It is submitted that for dissolution of marriage, if required, appropriate steps would be taken in accordance with law.

Petitioner no. 1 and respondent no. 2 are present in Court and have been identified by SI Naeem Ali of Police Station Gokul Puri. Petitioner no. 1 and respondent no. 2 submit that without going into the question of legality of issue of dissolution of marriage, the aforesaid FIR may be quashed.

Petitioner no. 1 has paid ₹1.75 lacs to respondent no. 2 towards the settled amount, vide a demand draft, photocopy whereof has been placed on record. Respondent no.2 says that she is not willing to pursue the FIR any further against the petitioners and the same may be quashed.

Keeping in view the submissions of the parties, in the interest of justice, FIR No. 352/2016 under Sections 498-A/406/34 IPC registered at

Police Station Gokul Puri, which is at the investigation stage, is quashed.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

NOVEMBER 28, 2017
r.bararia

A.K. PATHAK, J.