

S-5 & 17

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

+ **CRL.M.C. 2250/2018**

ANUJ SHARMA

..... Petitioner

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR

..... Respondent

+ **CRL.M.C. 284/2018**

ANUJ SHARMA

..... Petitioner

versus

THE STATE

..... Respondent

Advocates who appeared in the matter:

For the Petitioner: Mr Anup Kumar Sinha, Advocate,

For the Respondents: Mr Akshai Malik, Id APP.

Insp Rajesh Kumar, PS New Ashok Nagar.

Mr. Vivek Sharma, advocate for Respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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29.05.2018

CRL.M.C. 2250/2018

1. In CRL.M.C. 2250/2018, Petitioner seeks quashing of FIR No.319/2015 under Sections 420/467/468/471/34/120B IPC, Police Station New Ashok Nagar.

2. Subject FIR is an offshoot of a matrimonial discord between the parties. Respondent No.2 was the wife of petitioner. Subject FIR

has been registered consequent to sale of a joint property by the petitioner.

3. Parties were referred to Mediation. Settlement Agreement dated 03.02.2018 has been entered into between the parties. It was agreed that the petitioner shall pay a total sum of Rs.75 lakhs to respondent No.2 towards here entire claims as well as claim of the minor child. The said amount is to be paid in two instalments, i.e. Rs.35 lakhs at the time of quashing of FIR No. 319/2015 and balance Rs.40 lakhs at the time of the quashing of FIR No.1386/2014 under Sections 498A/406/34 IPC, Police Station New Ashok Nagar.

4. A sum of Rs.35 lakhs has been paid by way of two Demand Drafts bearing Nos.380843 for the sum of Rs.33 lakhs & 380842 for the sum of Rs.2 lakhs dated 05.04.2018 issued by the Vijaya Bank, which is accepted in the Court today.

5. Parties are present in Court in person.

6. Petitioner undertakes that he shall pay the balance amount of Rs.40 lakhs at the time when quashing of the second FIR would be sought for, which would be done on or before 15.12.2018. The undertaking is accepted.

7. As per the Settlement, it is agreed that the minor child shall remain in the permanent custody of the respondent No.2 with no visitation rights of the petitioner. Petitioner undertakes that he shall not claim any rights contrary to the Settlement Terms. The

undertaking is accepted.

8. Respondent No.2 is present in Court in person, represented by counsel and is identified by the Investigating Officer. She submits that she has no objection to the quashing of the subject FIR.

9. In view of the above and keeping in view of the fact that the FIR emanates from a matrimonial discord and the parties have resolved their dispute and Settlement Agreement dated 03.02.2018 has been entered into between the parties and respondent No. 2 does not wish to press her complaint, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

10. Accordingly, FIR No.319/2015 under Sections 420/467/468/471/34/120B IPC, Police Station New Ashok Nagar and the consequent proceedings emanating therefrom are hereby quashed subject to payment of costs of Rs.10,000/- to be deposited with "*Delhi High Court Bar Association Employees' Welfare Fund*", within a period of three weeks from today. Receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of four weeks from today.

CRL.M.C. 284/2018 & CrL.M.A.1097/2018 (stay)

1. In this petition (CRL.M.C. 284/2018), petitioner seeks setting

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aside of order dated 12.01.2018 whereby anticipatory bail granted to the petitioner by order dated 16.02.2016 in FIR No.319/2015 under Sections 420/467/468/471/34/120B IPC, Police Station New Ashok Nagar has been cancelled.

2. Subject FIR has been quashed based on a Settlement by the above order in CRL.M.C. 2250/2018.

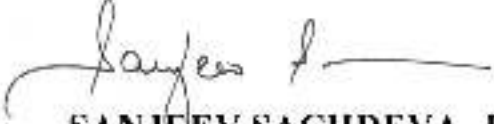
3. This Petition has accordingly become infructuous.

4. However, it is noticed that on 19.01.2018, directions were issued to the petitioner to deposit his passport with the Investigating Officer.

5. It is directed that the passport be released to the petitioner, however, it is directed that in case the petitioner needs to travel abroad, the petitioner shall seek appropriate permission from the Trial Court in case FIR No.1386/2014 under Sections 498A/406/34 IPC, Police Station New Ashok Nagar.

6. Order Dasti under signatures of the Court Master.

MAY 29, 2018/'%D'


SANJEEV SACHDEVA, J