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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 641/2018 & CRL.M.A. 2312/2018**

PAWAN SETIYA & ORS Petitioner
Through: Ms. Vandana Sharma, Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Izhar Ahmad, APP for State with
ASI Rajbir, PS Uttam Nagar.
Learned counsel for the respondent
no.2 (appearance not given.)

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **07.02.2018**

CRL.M.A. 2312/2018 (Exemption)

Exemption allowed, subject to just exceptions.

CRL.M.C. 641/2018

Vide the present petition, the petitioner seeks quashing of FIR No.477/2015, PS Uttam Nagar, under Sections 468A/406/34 Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide the Mediation Settlement dated 19.01.2018 as executed before the Mediation Centre, Dwarka Courts, New Delhi. The averments made in the petition indicate to the effect that only proceedings under Section 13 (B)(1) of the HMA Act, 1955 has since been allowed. As per the Clause 5 of the Mediation Settlement dated 19.01.2018 on the record which reads to the effect:

“that the application/petition for quashing of FIR No.

477/15, under Sections 498A/406/34 IPC, PS Uttam Nagar shall be file dby all the respondent, in FIR No. 477/15 within 15 days after passing of decree of divorce and Ms. Bhawna shall cooperate in the said proceedings, subject to fulfillment of terms and conditions of this settlement,”

it is indicated that the petition seeking quashing of FIR would be filed within 15 days after passing of decree of divorce. The decree of divorce has not been passed yet and proceedings under Section 13(B)(2) HMA Act, 1955 have not yet been concluded.

Learned APP for State submits that the petitioner no.3 has not been charge-sheeted in the instant case.

On behalf of the petitioners and the respondent no.2 it has been submitted that the respondent no.2 is in need of money and this modification of the settlement would be sought. Learned counsel for the petitioner thus seeks to withdraw the present petition with liberty to the petitioner to file afresh with modification as required.

The petition is dismissed, as withdrawn with liberty granted, as prayed.

ANU MALHOTRA, J

FEBRUARY 07, 2018

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