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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 546/2018**
UTSAV KUMAR & ORS

..... Petitioners

Through: Mr Vivek Aggarwal, Adv

versus

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

..... Respondents

Through: Mr Avi Singh, ASC with
Mr Shashank Vachher, Adv for State
with SI Arun Ahlawar
Ms Geeta Luthra, Sr Adv with
Mr Altamish Siddiki, Adv

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **20.02.2018**

Crl.M.A.No.3182/2018 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(CRL) 546/2018

Petitioners are seeking quashing of the present FIR being FIR No. 0431/2015 registered at PS Farsh Bazar under Section 406/498A read with Section 34 of the IPC on the complaint of respondent No. 2. Respondent No. 2 is present in person. Her presence is identified by her counsel as well as by the investigating officer. Parties have been married in the year 2008. A male child was born out of their wedlock in the year 2012 who is presently in the custody of respondent No. 2.

Parties started living separately since March 2013 because of their temperamental differences and could not pull along; they had agreed to go for divorce by mutual consent. The decree of divorce is dated 31.01.2018. In terms of their settlement, petitioner No. 1 had agreed to pay a sum of Rs. 1 crore 86 lakhs 40 thousand to respondent No. 2 of which Rs. 25 lakhs was given at the time of the filing of the first motion under Section 13B(1) of the Hindu Marriage Act. Another sum of Rs. 10 lakhs was given within one month of the conduct of the first motion. Rs. 35 lakhs were given at the time of decree of divorce. Today a sum of Rs. 30 lakhs has been paid by petitioner No. 1 to respondent No. 2 by way of a demand draft. A sum of Rs 1 crore stands paid by petitioner No. 1 to respondent No. 2. The balance sum of Rs. 86,40,000/- has been agreed to be paid in equal monthly instalments of Rs. 1,80,000/- which will be stretched over a period of 48 months and post dated cheques for the aforementioned period have been handed over to respondent No. 2. It is needless to state that these cheques will be honoured.

In view of the aforementioned settlement arrived at inter se the parties, petitioners have prayed for quashing of the present FIR. Thus, it is a fit case where the prayer made in the petition should be granted. Accordingly, to secure the ends of justice, the present FIR No. 0431/2015 registered at PS Farsh Bazar under Section 406/498A read with Section 34 of the IPC and all proceedings emanating there from stand quashed.

Petition disposed of in the above terms.

Order *dasti* under the signatures of the Court Master.

Learned counsel for the petitioners points out that he had deposited a sum of Rs. 10 lakhs before the competent court at the time when he was considered for bail. He may move an appropriate application in this regard before the competent court for release of the said money as respondent No. 2 has no claim over that amount.

INDERMEET KAUR, J

FEBRUARY 20, 2018

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