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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3217/2018**

NAKUL MAHAJAN & ORS

..... Petitioners

Through: Mr. A.K. Padhy, Adv. with petitioner
no.2 in person.

Versus

STATE OF NCT DELHI & ANR

..... Respondents

Through: Mr. M.S. Oberoi, APP for State with
SI Ajay Kumar, P.S. Kirti Nagar.
Mr. Sunil Khanna, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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20.08.2018

Petitioner no. 2 is present in Court along with his counsel. He has been identified by SI Ajay Kumar of police station Kirti Nagar. It is submitted that petitioner no.1 is settled in the United States of America, therefore, he is being represented through his brother, that is, petitioner no.2, who holds the Special Power of Attorney in his favour. Petitioner no. 3 is mother of petitioner nos. 1 and 2.

Notice. Learned APP accepts notice for respondent no.1. Respondent no.2 is present in Court along with her counsel, who accepts notice. She has also been identified by SI Ajay Kumar of police station Kirti Nagar. She

submits that she has settled the matter with petitioner no.1 of her own free will and without any undue force, pressure or coercion before the Counselling Cell, Family Court, West District, Tis Hazari Court, Delhi on 21st December, 2016. Her marriage with petitioner no.1 has already been dissolved by a decree of divorce by mutual consent passed by the Family Court, West District, Tis Hazari Court, Delhi on 23rd October, 2017. Petitioner no.2 has handed over a cheque of ₹13 lacs to the respondent no.2 towards balance settled amount. Photocopy of the cheque has been placed on record. Respondent no.2 has accepted this cheque, however, subject to its realisation. She submits that she has no objection in case FIR No. 299/2010 under Sections 498A/406/34 IPC registered at police station Kirti Nagar is quashed against petitioner no.1 and his relatives, that is, petitioner nos. 2 and 3, subject to realisation of aforesaid cheque.

Keeping in mind the settlement arrived at between the petitioner no.1 and respondent no.2 voluntarily, in my view, no fruitful purpose would be served in keeping the criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed, subject to realisation of cheque of ₹13 lacs.

Petition is disposed of in the above terms. Miscellaneous applications

are disposed of as infructuous.

Dasti.

AUGUST 20, 2018

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A.K. PATHAK, J.