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

+ CRL.M.C. 3939/2018

VIKAS RAI & ORS.

..... Petitioners

Through

Mr. Mahavir Singh, Mr. Panchjanya
Batra and Mr. Gaurav Sarawat, Advs.

versus

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

..... Respondents

Through

Ms. Manjeet Arya, APP with ASI
Jaswant, P.S. Vasant Kunj (South)
Respondent no. 3 father/attorney of
respondent no. 2 is present in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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06.08.2018

It is submitted that petitioner no. 1 and respondent no. 2 are settled in United States of America. Petitioner no. 3 is grandfather of petitioner no. 1. He holds a Power of Attorney executed by his grandson in his favour. Respondent no. 3 is father of respondent no. 2. It is further submitted that respondent no. 2 has also executed a Power of Attorney in favour of her father.

Learned APP submits that Special Power of Attorney is in respect of petition under the Hindu Marriage Act and not in respect of criminal case. Respondent no. 3 is present in Court and says that his daughter was in India at the time of settlement arrived at between the respondent no. 2 and petitioner

no. 1 before Delhi Mediation Centre, Patiala House Courts, New Delhi on 7th December, 2017. She was in India on 31st July, 2018 also and has sworn and affidavit which is annexed with this petition. She had to go back to the United States of America, therefore, is not present today. Respondent no.3 says that respondent no. 2 has given him specific instructions to convey to Court that she has no objection in case FIR No. 750/2016 under Sections 498-A/406/34 IPC, Police Station Vasant Kunj (South) and consequent proceedings emanating therefrom are quashed against the petitioner no. 1 and his relatives, that is, petitioner nos. 2 to 6, subject to petitioner no. 1 paying balance settled amount of ₹13,00,000/-.

Petitioner no. 1, through his Attorney, that is, petitioner no. 3, has handed over a demand draft of ₹13,00,000/- drawn in the name of respondent no. 2 to respondent no.3. Photocopy of the demand draft has been placed on record. Respondent no. 3 submits that entire settled amount stands paid with this payment. He further says that marriage of respondent no. 2 and petitioner no. 1 has already been dissolved by a decree of divorce by mutual consent dated 10th July, 2018 passed by the Family Courts, New Delhi District, Patiala House Courts, New Delhi. He says that aforesaid FIR and consequent proceedings may be quashed.

Keeping in mind the settlement, in my view, no fruitful purpose would

be served to keep the criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

AUGUST 06, 2018
r.bararia