

\$~23

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

+ **CRL.M.C. 5125/2018**

SH. ARVIND KUMAR SINGH & ORS. Petitioners
Through : Mr.Rajesh Kumar, Advocate with
petitioners in person.

versus

STATE & ANR. Respondents
Through : Mr.Izhar Ahmad, APP for the State
with SI Omender Kumar, PS
Welcome, Delhi.
Mr.Manmohan Swaroop and
Ms.Sanyogita Swaroop, Advocates
with respondent No.2/complainant in
person.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **25.10.2018**

This is a petition under Section 482 Cr P C filed by the petitioners for quashing of the FIR No.579/2015 under Section 498A/406/34 IPC and Section 4 of Dowry Prohibition Act registered at police station Welcome, Delhi registered against them on the complaint of respondent No.2.

The respondent No.2 was married to petitioner No.1. There is no issue from this wedlock and since 13.10.2014 they are living separately. Dispute arose in their matrimonial life and CC No.8059/2016 under Domestic Violence Act was filed by respondent No.2 against petitioner No.1. She also filed petition under Section

13(1)(ia) of the Hindu Marriage Act. During the pendency, the parties settled their disputes vide settlement agreement dated 26.05.2018 before the Mediation Centre, Karkardooma Courts, Delhi for a total sum of Rs.24.00 Lacs for her all claims in full and final settlement. Pursuant thereto, the respondent No.2 withdrew both the cases before the learned Trial Court and have obtained divorce by mutual consent vide judgment and decree dated 27.08.2018.

The agreed / settlement amount of Rs.24.00 Lacs has been received by the respondent No.2 from petitioners, including an amount of Rs.11.00 Lac vide demand draft No.760601 dated 04.10.2018 drawn on Syndicate Bank.

The respondent No.2/complainant duly identified by the Investigating Officer concerned, on receipt of entire settled amount says she has no objection, if the aforesaid FIR is quashed against the petitioners. The learned APP informs that pursuant to investigation, charge sheet has been filed against the petitioners before learned Trial Court and says if the Court is inclined to quash the FIR, petitioners be put to some terms as government machinery has been put into motion.

In view of above statements made by the parties, FIR No.579/2015 under Section 498A/406/34 IPC and Section 4 of Dowry Prohibition Act registered at police station Welcome, Delhi against petitioners and all the consequent proceedings emanating therefrom are quashed. The petitioners are directed to deposit a cost of Rs.10,000/- within a period of four weeks from today with *Kerala*

Chief Minister's Distress Relief Fund (CMDRF) and furnish a copy thereof to the learned Trial Court.

The petition is disposed of in above terms. Pending application is also disposed of as infructuous. Order *dasti*.

YOGESH KHANNA, J

OCTOBER 25, 2018

M