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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5378/2018**
MANOJ SHARMA & ORS Petitioners
Through: Mr. Ramanand and Mr.
Gajendra, Advs.
versus
STATE OF NCT & ANR Respondents
Through: Mr. Kamal Kumar Ghei, APP
with SI Bachhu Singh, PS
Keshav Puram
Ms. Neha Gund, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **01.11.2018**

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.790/2014, under Sections 498-A/406/34 of the Indian Penal Code, 1860 (IPC), registered with Police Station Keshav Puram, Delhi lodged by the respondent No.2.
2. Learned counsel for the parties submitted that a settlement was arrived at between the parties before the Mediation Centre, Rohini Courts, Delhi and a settlement deed dated 16.9.2017 was executed between the parties, in terms thereof the parties have already been granted divorce under Section 13 B (2) of the Hindu Marriage Act, 1955 ('Act') and a sum of Rs.4,85,000/- out of Rs.5,00,000/- (as per the settlement arrived at between the parties) has already been paid. Hence, the present petition may be allowed and the aforesaid FIR may be quashed.

3. Learned counsel for the respondent No.2 as well as Investigation Officer (I.O.) present in the Court have identified the petitioner as well as the respondent No.2. The respondent No.2 submitted that her sister has also come with her in the Court, namely, Ms. Manju. Learned counsel for the parties submitted that a sum of Rs.2,00,000/- was paid by the petitioner to the respondent No.2 at the time of recording of statement of first motion under Section 13 B (1) of the Act and a sum of Rs.2,85,000/- was paid instead of Rs.2,00,000/- at the time of recording of statement at the time of second motion under Section 13B (2) of the Act and only a sum of Rs.15,000/- is required to be paid. This fact has been verified by the learned APP for the State after questioning the respondent No.2 and her sister about the amount earlier paid and the amount which is required to be paid.

4. The petitioners have paid the balance amount of Rs.15,000/- to the respondent No.2 in cash today.

5. Learned counsel for the parties submitted that in view of the balance amount of Rs.15,000/- paid by the petitioners to the respondent No.2 and in the interest of justice, the aforesaid FIR as well as the proceedings emanating therefrom may be quashed.

6. In view of the aforesaid facts, the settlement effected between the parties before the Delhi Mediation Centre, Rohini Courts, Delhi and the divorce already stands granted to the parties, this Court is of the view that no fruitful purpose would be served in keeping them entangled in the criminal proceedings. Accordingly, in the interest of

justice, FIR No.790/2014, under Sections 498-A/406/34 of the IPC, registered with Police Station Keshav Puram, Delhi and the proceedings emanating therefrom are quashed.

7. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

NOVEMBER 01, 2018/rk