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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 5528/2018 & CrI.M.A.35313/2018

SH. AMIT KUMAR @ RINKU & ORS.

..... Petitioner

Through: Ms. Surbhi Jain, Adv. for P-1 to 4

Versus

STATE & ANR.

..... Respondent

Through: Mr. Neeraj Kumar, Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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30.10.2018

1. Vide the present petition seeks quashing of FIR No. 232/2007 under section 498-A/406/34 IPC, Police Station Vivek Vihar, Delhi on the basis of an Memorandum of Understanding dated 21.07.2018 entered into between petitioner no.1 and respondent no.2.
2. Learned counsel for the petitioners submits that the marriage between the petitioner no.1 and the respondent no.2 was solemnised according to Hindu rites and ceremonies on 07.02.2006 and they were blessed with a son on 27.11.2006, but due to temperamental differences the parties started living separately w.e.f. 28.01.2008.
3. She submits that thereafter the respondent no.2 lodged a complaint against the petitioners with the Crime Against Women Cell leading to the registration of the aforesaid FIR. She further submits that after the registration of the FIR, the parties have now settled their differences and entered into a Memorandum of Understanding

(MoU) on 21.07.2018. She submits that as a result of the Memorandum of Understanding the marriage between the petitioner no.1 and respondent no.2 stands dissolved by mutual consent vide decree dated 22.02.2018 passed by the learned Family Court Shahdara, Karkardooma. She further submits that the parties had agreed as per the terms of Memorandum of Understanding that the respondent no.2 was to be paid a total sum of Rs.2.50 lacs, which already stands paid to her and thereafter prays that the FIR and consequential proceedings emanating therefrom be quashed.

4. Learned counsel for the petitioner submits that the petitioner had earlier filed an CRL. MC 4750/2015 but the same was withdrawn on 3.10.2018 with liberty to file a fresh petition by enclosing a copy of the Memorandum of Understanding .

5. The petitioners and respondent no.2 along with counsels are present in Court and have been identified by the Investigating Officer. Respondent no.2 submits that she has entered into the aforesaid settlement of her own free will and without any coercion. She submits that she does not wish to pursue the aforesaid proceedings any further as she wants to move on in life and therefore, prays that the FIR and consequential criminal proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed subject to the petitioners paying a sum of Rs.10,000/- to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank. Delhi, IFSC Code UCBA0001820 within three weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

7. The petition is disposed of with pending application in the aforesaid terms.

OCTOBER 30, 2018/tp

REKHA PALLI, J