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

+ CRL.M.C. 5893/2018 & CRL.M.A. 49059/2018

SH. VIKRAM RATHORE & ORS. Petitioners

Through: Mr. Harsh Parashar, Adv.

versus

STATE & ANR. Respondents

Through: Mr. Kamal Kumar Ghei, APP
with ASI Aman Kumar, PS
Nanakpura, Delhi
Mr. Aman Pandey, Adv. for R-
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CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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06.12.2018

1. The petitioners have filed the present petition through the Special Power of Attorney Holder Dr. Mahesh Kumar Rathore (petitioner No.2 herein) under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0094/2016 dated 6.6.2016 under Sections 498-A/406/34 of the Indian Penal Code, 1860 (IPC), registered with Police Station Nanak Pura, New Delhi and the proceedings emanating therefrom.

2. Learned counsel for the petitioners has filed two Special Power of Attorneys executed by the petitioner Nos.1 and 3 separately in favour of petitioner No.2 and relied upon the judgments of this Court *Gautam Sehgal & Ors. v. State (NCT of Delhi) & Anr.* 2016 SCC OnLine Del 3269 and *Bhaskar Lal Sharma v. Monica & Ors.* 2016 SCC OnLine Del 3870, wherein Power of Attorney Holders filed the

petitions before the Courts concerned. Learned counsel for the petitioners further submitted that in view of Clause (VIII) of the settlement agreement dated 21.03.2018 arrived at between the parties, it was agreed that a petition for quashing the FIR and proceedings emanating therefrom shall be filed through the Power of Attorney Holder.

3. The petitioner No.2 and respondent No.2 as well as the learned counsel for the parties submitted that the parties have entered into a settlement agreement dated 21.3.2018 in pursuance whereof, the marriage between petitioner No.1 and respondent No.2 has been dissolved vide decree of divorce dated 4.10.2018 passed by Principal Judge, Family Courts, Karkardooma Courts, New Delhi.

4. The Investigating Officer ('IO'), who is present in Court, has identified the petitioner No.2 as well as respondent No.2 and has also verified the settlement arrived at between the parties as well as authenticity of the Power of Attorneys filed on record.

5. The petitioner No.2 and the respondent No.2, present in the Court, stated that the settlement was arrived at between the parties on their own free will, without any force, pressure or coercion, in terms whereof the petitioners have to pay the balance amount of Rs.11,00,000/- to the respondent No.2. Respondent No.2 submitted that in case the petitioners make the payment of Rs.11,00,000/- in terms of the settlement arrived at between the parties, she has no objection to the quashing of the FIR and the petition being allowed.

6. The petitioner No.2 has handed over a Demand Draft bearing

No.022828 dated 26.10.2018 for an amount of Rs.11,00,000/- to the respondent No.2 in Court. The parties submitted that in view of the payment of the balance amount as well as in the interest of justice, the aforesaid petition may be allowed.

7. In view of the aforesaid circumstances, the settlement arrived at between the parties, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.0094/2016 dated 6.6.2016 under Sections 498-A/406/34 of the IPC, registered at Police Station Nanak Pura, New Delhi and all the consequential proceedings arising out of the FIR are quashed.

7. Petition is disposed of in above terms. CRL.M.A. 49059/2018 is also disposed of.

CHANDER SHEKHAR, J

DECEMBER 06, 2018/rk