

\$~1

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

+ CRL.M.C. 5928/2018 & CRL.M.As. 47982/2018 &
49784/2018

HARVINDER SINGH

..... Petitioner

Through: Mr.Mayank Tripathi and
Mr.Avijit, Advs. with
petitioner in person

versus

STATE & ORS.

.... Respondents

Through: Mr. Kamal Kumar Ghei, APP
with SI Nitesh Sharma, PS
Fatehpur Beri, Delhi
Mr. Shiv Kumar Kohli, Adv.
for R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

14.12.2018

CRL.M.A. 47982/2018 (for exemption)

Allowed, subject to all just exceptions. Application stands
disposed of.

CRL.M.A. 49784/2018 (for bringing on record amended petition)

1. The petitioner has filed the present application for bringing on
record amended petition.
2. Issue notice.
3. Notice is accepted by the learned APP for the State as well as
by learned counsel for the respondent No.2.

4. Learned APP for the State as well as learned counsel for the respondent No.2 submitted that they have no objection if the present application is allowed and amended petition is taken on record.
5. Accordingly, the present application is allowed.
6. Application stands disposed of.

CRL.M.C. 5928/2018

1. Amended petition is taken on record.
2. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0767/2015 under Sections 498-A/34 of the Indian Penal Code, 1860 (IPC), registered with Police Station Fatehpur Beri, New Delhi and the proceedings emanating therefrom.
3. The petitioner as well as respondent No.2 and their respective counsel submitted that they have amicably settled the matter vide Memorandum of Understanding dated 12.1.2018 in pursuance whereof, their marriage has been dissolved vide a decree of divorce dated 25.7.2018.
4. Learned counsel for the petitioner submitted that they have already withdrawn all the cases against the respondent No.2.
5. Similarly, learned counsel for the respondent No.2 also submitted that the respondent No.2 has also withdrawn all the cases against the petitioner.
6. The Investigating Officer ('IO'), who is present in Court, has

identified the petitioners as well as respondent No.2 and has also verified the settlement arrived at between the parties.

7. The petitioners and the respondent No.2, present in the Court along with her father, stated that the matter was settled between the parties on their own free will, without any force, pressure or coercion, in terms whereof the petitioner has to pay the balance amount of Rs.2,00,000/- to the respondent No.2. Respondent No.2 submitted that in case the petitioner makes the payment of balance amount of Rs.2,00,000/- in terms of the Memo of Understanding dated 12.1.2018, she has no objection to the quashing of the FIR and the petition being allowed.

8. Learned counsel for the petitioner submitted that the petitioner has brought a Demand Draft bearing No.905072 dated 26.10.2018 for an amount of Rs.2,00,000/- which has been handed over to the respondent No.2. 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.

9. In view of the aforesaid circumstances, the Memorandum of Understanding dated 12.1.2018 executed 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.767/2015 under Sections 498-A/34 of the IPC, registered at Police Station Fatehpur Beri, New Delhi and all the consequential proceedings arising out of the FIR are quashed.

10. Petition is disposed of in above terms.

CHANDER SHEKHAR, J
DECEMBER 14, 2018/rk