

\$~23

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

+ **CRL.M.C. 6160/2018**

SANDEEP BALHARA & ORS Petitioners
Through: Mr. Vinay Kumar Sharma,
Advocate

versus

STATE & ANR. Respondents
Through: Mr. Kamal Kumar Ghai, APP
with SI Khajan Singh,
PS:Paharganj, New Delhi

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **05.12.2018**

CRL.M.A. 48843/2018

Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.C. 6160/2018

1. The petitioners have moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0144/2016, dated 9.3.2016, under Sections 406/498-A/34 of the Indian Penal Code, 1860, registered at PS:Pahar Ganj, New Delhi and the proceedings emanating therefrom.

2. Petitioners as well as respondent No.2 are present in Court along with their respective counsel and submitted that the parties have arrived at a settlement vide Memorandum of Undertaking ('MoU') dated 15.10.2018, in terms whereof the marriage between the parties stood dissolved by a decree of divorce dated 13.11.2018.

3. The Investigating Officer ('IO'), who is present in Court, has identified the petitioners as well as respondent No.2 and the IO has also verified the MoU arrived at between the parties.

4. Respondent No.2 submitted that the settlement has been arrived at her own free will, without any force, pressure or coercion. She further submitted that she is yet to receive the balance payment of Rs.1,00,000/- and in case the said payment is made by the petitioner No.1, she has no objection to the petition being allowed and the quashing of the FIR.

5. The petitioners stated to have brought in Court a demand draft for a sum of Rs.1,00,000/-, bearing No.508464, dated 3.12.2018, drawn on ICICI Bank, which has been handed over to the respondent No.2 in Court today.

6. Respondent No.2 submitted that in view of the handing over of the aforesaid demand draft, the FIR may be quashed and the petition may be allowed.

7. In view of the aforesaid circumstances, the settlement arrived at between the parties, the payment of Rs.1,00,000/- received today in Court by respondent No.2 by way of a

demand draft and divorce between petitioner No.1 and respondent No.2, 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. 0144/2016, dated 9.3.2016, under Sections 406/498-A/34 of the Indian Penal Code, 1860, registered at PS:Pahar Ganj, New Delhi and the proceedings emanating therefrom are quashed.

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 05, 2018

tp