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

+ **CRL.M.C. 6394/2018**

JATIN & ORS.

..... Petitioners

Through: **Mr. Rajeev Kumar, Advocate**

versus

STATE & ANR.

..... Respondents

Through: **Mr. Kamal Kumar Ghai, APP
with SI Bharti, PS:Shalimar
Bagh, Delhi
Mr. Arun Kumar Gupta,
Advocate for respondent No.2**

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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17.12.2018

CRL.M.A. 49803/2018 (for exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 6394/2018

1. The petitioners have moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.348/2011, under Sections 498-A/406/34 of the Indian Penal Code, 1860, registered at PS:Shalimar Bagh, Delhi and the proceedings emanating therefrom.

2. Learned counsel for the petitioners as well as respondent

No.2 submitted that the parties have settled their disputes, on their own free will, without any force, pressure or coercion with the intervention of the family members and friends of both the parties. As per the settlement, it was agreed between the parties that the petitioner No.1 shall pay a sum of Rs.6,37,500/- to respondent No.2 towards full and final settlement, out of which Rs.4,50,000/- has already been paid by the petitioner No.1 to respondent No.2 and the balance amount of Rs.1,87,500/- is required to be paid by the petitioner No.1 to the respondent No.2.

3. Learned counsel for the petitioners and respondent No.2 also submitted that the marriage between the petitioner No.1 and the respondent No.2 stands dissolved by a decree of divorce by mutual consent, dated 26.10.2018.

4. 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.

5. Respondent No.2 reiterated and submitted that the Settlement has been effected on her own free will, without any force, pressure or coercion. She further submitted that she is yet to receive the balance payment of Rs.1,87,500/- 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.

6. Learned counsel for the petitioners submitted that the petitioners have got made a demand draft for a sum of Rs.1,87,500/-, bearing No. 503197, dated 14.12.2018, drawn on ICICI Bank, which has been handed over to the respondent No.2 in the Court.

7. In view of the aforesaid circumstances, the Settlement arrived at between the parties and the balance payment of Rs.1,87,500/- received today in Court by the respondent No.2 by way of the demand draft, 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. 348/2011, under Sections 498-A/406/34 of the Indian Penal Code, 1860, registered at PS:Shalimar Bagh, Delhi and the proceedings emanating therefrom are quashed.

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 17, 2018

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