

\$~1

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 266/2019

JAGMOHAN & ORS.

.... Petitioners

Through: Ms. Manu Bala, Advocate

versus

STATE & ANR.

.... Respondents

Through: Mr. Panna Lal Sharma, APP
with SI Mehrab Alam,
PS:Nabi Karim, Delhi
Mr. Lalit Bhati, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

24.01.2019

CRL.M.A.1126/2019

In view of the cause submitted in the application, delay in re-filing the petition is condoned.

CRL.M.C. 266/2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0080/2016, under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') registered at P.S.: Nabi Karim, Delhi and the proceedings emanating therefrom.

2. The petitioners and respondent No.2 as well as their respective counsel submitted that the parties have settled their

disputes on their own free will, without any force or coercion, in terms whereof the petitioner No.1 had to pay Rs.2,40,000/- to the respondent No.2 towards full and final settlement, including past, present and future maintenance and permanent alimony and on account of dowry articles/istridhan. It is further submitted that out of Rs.2,40,000/-, Rs.1,60,000/- has already been paid to respondent No.2. It is also submitted that the marriage between petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 vide a decree of divorce dated 2.5.2018.

3. Respondent No.2, who is present in Court along with her father, has reiterated the aforesaid facts and submitted that she has no objection to the petition being allowed and the FIR being quashed in case the petitioner No.1 pays the balance amount of Rs.80,000/- to her, which is required to be paid as per the Settlement.

4. Learned counsel for the petitioners submitted that the petitioners have brought a Demand Draft bearing No.312589, dated 22.1.2019, drawn on Bank of Baroda, for an amount of Rs.80,000/-, which has been handed over to the respondent No.2 today in the Court.

5. The Investigating Officer ('IO'), who is present in Court, has identified the petitioners as well as respondent No.2.

6. In view of the aforesaid circumstances and 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.0080/2016, under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') registered at P.S.: Nabi Karim, Delhi and the proceedings emanating therefrom are quashed.

7. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

JANUARY 24, 2019

tp