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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 351/2019

ANKUR TANWAR & ORS.

..... Petitioners

Through: Mr. Tarun Shokeen, Advocate with
Petitioners in person.

Versus

STATE & ANR.

.....Respondents

Through: Mr. Sanjay Lao, ASC with SI Vipin, P.S.
Bharat Nagar.
Respondent No. 2 in person.
Ms. Rajni Singh, Advocate (M.
No.9910232571).

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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08.03.2019

This petition seeks quashing of FIR No. 333/2016 registered under sections 498A/406/34 IPC at Police Station, Bharat Nagar, Delhi, on a complaint by the complainant/respondent No. 2 apropos matrimonial discord. The *lis* has been amicably settled between the parties by way of a Settlement Agreement dated 04.07.2018, whereunder an amount of Rs. 60 lacs were to be paid to the complainant/respondent No. 2, of which Rs.35.35 lacs is stated to have been paid to her. Out of the remaining amount of Rs. 25 lacs, Rs.22.71 lacs is being paid to her by way of Demand Draft bearing No.506113 dated 02.02.2019, drawn on ICICI Bank, Janakpuri, C-Block, New Delhi.

Ms. Rajni Singh, the learned counsel for respondent No.2, submits upon instructions that the maintenance amount of Rs.15,000/- too was to be

deposited. The petitioner No.1 undertakes to deposit the balance settled amount of Rs.2.29 lacs and the maintenance amount of Rs.15,000/- i.e. Rs.2.44 lacs, directly into the bank account of respondent No.2, by tomorrow. His undertaking is accepted. In case of any infraction in amount or date, the petitioners shall be liable to deposit costs of Rs.25,000/- into the bank account of the complainant.

The parties are present in Court and have been identified by the Investigating Officer. The learned counsel for the complainant submits upon instructions that the complainant does not wish to pursue her complaint any further.

Since the complainant herself does not wish to pursue her complaint against the petitioners, the substratum of the FIR dissipates and proceedings apropos the same would be an exercise in futility.

Following the dicta of the Supreme Court in *Gian Singh Vs. State of Punjab and Another (2012) 10 SCC 303*, *Narinder Singh & Ors. Vs. State of Punjab & Anr. 2014 6 SCC 466* and *Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr. (2013) 4 SCC 58*, a case is made out for quashing of the FIR.

In view of the above, the aforesaid FIR and all the proceedings emanating therefrom are hereby quashed.

List for further proceedings apropos the rights of the child to meet her father and paternal grandparents on 22.04.2019.

NAJMI WAZIRI, J.

MARCH 08, 2019

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