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

+ **CRL.M.C. 1239/2019 & CRL.M.A. 4846/2019**

DURGESH SABHARWAL & ANR Petitioners

Through: Mr. R.K. Tarun, Adv. with the
petitioners in person

versus

THE STATE OF NCT OF DELHI & ANR Respondents

Through: Mr. Kamal Kumar Ghei, APP
with SI Vikram Singh, PS
Rajouri Garden, Delhi
Mr. Ashwani Kumar Sood,
Adv. for R-2 with R-2 in
person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **10.04.2019**

CRL.M.A. 4846/2019 (for exemption)

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

CRL.M.C. 1239/2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.133/2011 dated 16.4.2011, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Rajouri Garden, New Delhi and the proceedings emanating therefrom.

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

disputes on their own free will, without any force or coercion vide a Memorandum of Understanding dated 4.6.2018, in pursuance whereof, the marriage of the petitioner No.1 and the respondent No.2 stands dissolved vide decree of divorce dated 23.1.2019.

3. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that the petitioners have to pay the balance amount of Rs.3 lacs to her in terms of the settlement arrived at between the parties. Respondent No.2 further submitted that in case the petitioners make the payment of balance amount of Rs.3 lacs to her, she has no objection to the petition being allowed and the FIR being quashed.

4. Learned counsel for the petitioners submitted that the petitioners have brought a demand draft bearing No.090665 dated 1.3.2019 for an amount of Rs.3 lacs which has been handed over to the respondent No.2 today in the Court. Further, the learned counsel for the petitioners voluntarily submitted that the petitioners are ready and willing to deposit cost of Rs.25,000/- in the Bharat Ke Veer Corpus Fund and prayed that in view of the payment of the balance amount to the respondent No.2, the present petition may be allowed and the FIR may be quashed.

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

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. 133/2011 dated 16.4.2011, under Sections 498-A/406/34 of the IPC, registered at P.S.: Rajouri Garden, New Delhi and the proceedings emanating therefrom are quashed subject to cost of Rs.25,000/- to be deposited in the Bharat Ke Veer Corpus Fund within two weeks and receipt of the deposit be filed in the Registry within three weeks. Copy of the receipts shall also be handed over to the APP through the I.O. within three weeks. In case the petitioners fail to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

7. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

APRIL 10, 2019/rk