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

\+ CRL.M.C. 1479/2019 & Crl.M.A.5870/2019

ASHISH MAHAMNA @ SAOURABH ..... Petitioner

Through: Mr. Anurag Kr. Singh, Adv. with the petitioner in person.

versus

STATE OF NCT DELHI & ANR ..... Respondents

Through: Mr. Mukesh Kumar, APP for the State with SI Ramesh Kumar
Mr. Vivek Singh, Adv. for R-2 with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

O R D E R

% 06.12.2019

1. Issue notice.

2. Notice is accepted by APP for the State as well as by the learned counsel for the respondent No.2.

3. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.311/2016 dated 18.04.2016, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Nihal Vihar (West), Delhi and the proceedings emanating therefrom.

4. The petitioner and respondent No.2 as well as the learned counsel for the parties submitted that the parties have settled their disputes on their own free will, without any force or coercion before the Principal Judge, Family Courts, Tis Hazari Courts, Delhi on

09.07.2016, in pursuance whereof, the marriage of the petitioner and the respondent No.2 stands dissolved vide decree of divorce dated 20.11.2017.

5. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that the petitioner has to pay the balance amount of Rs.1.25 lacs to her in terms of the settlement arrived at between the parties. Respondent No.2 further submitted that in case the petitioner makes the payment of the balance amount of Rs.1.25 lacs to her, she has no objection to the petition being allowed and the FIR being quashed.

6. Learned counsel for the petitioner submitted that the petitioner has brought a demand draft bearing No.090961 dated 06.12.2019 for an amount of Rs.1,05,000/- which has been handed over to the respondent No.2 today in the Court. Rs.20,000/- has been paid to respondent no. 2 in cash. Learned counsel for the petitioner submitted 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.

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

8. 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.311/2016 dated 18.04.2016, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Nihal Vihar (West), Delhi and the proceedings emanating therefrom are quashed.

9. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 06, 2019/AK