

\$~4

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 1464/2019

SURENDER AGGARWAL & ORS Petitioners

Through: Mr. Kuldeep Yadav, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents

Through: Mr.Panna Lal Sharma, APP
with SI Yogendra Kumar,
PS:Hauz Qazi, Delhi
Mr.Anubha Sharma, Advocate
for respondent No.2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

13.05.2019

CRL.M.A.5826/2019

Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.C. 1464/2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.116/2016, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Hauz Qazi, 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

vide Compromise-cum-Settlement Deed on 23.6.2017, in terms whereof petitioner No.1 had agreed to pay Rs.2,25,000/- to the respondent No.2. It is further submitted that out of Rs.2,25,000/-, an amount of Rs.1,50,000/- has already been paid to respondent No.2. It is also submitted that the marriage between the 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 28.2.2018.

3. Respondent No.2, who is present in Court with her mother, 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 petitioners pay the amount of Rs.75,000/- to her, which is required to be paid as per the settlement arrived at between the parties.

4. Learned counsel for the petitioners submitted that the petitioners have brought a demand draft bearing No.557118, dated 4.5.2019, drawn on State Bank of India, for an amount of Rs.75,000/-, 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 and has also verified the settlement arrived at between the parties.

6. In view of the aforesaid circumstances, the settlement arrived at between the parties and the dissolution of marriage, 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. 116/2016, under Sections 498-A/406/34 of the IPC, registered at P.S.: Hauz Qazi, Delhi and the proceedings emanating therefrom are quashed.

7. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

MAY 13, 2019

tp