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

+ **CRL.M.C. 1659/2019 & CRL.M.A. 6655/2019**

SH. MITHUN KUMAR RAM & ORS Petitioners

Through: Mr. Z. Abedin, Mr. Shakil
Ahmad and Mr. K.K. Yadav,
Advs. with the petitioners in
person

versus

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

Through: Mr.Ashish Dutta, APP with IO
in person
R-2 with her mother

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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29.03.2019

CRL.M.A. 6655/2019

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

CRL.M.C. 1659/2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.007/2017, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Kotla Mubarakpur, 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 Memorandum of Understanding (MoU) dated 26.12.2017 in pursuance whereof, the marriage of the petitioner No.1 and the respondent No.2 stands dissolved vide decree of divorce dated 7.8.2018.

3. Respondent No.2, who is present in Court along with her mother, has reiterated the aforesaid facts and submitted that the petitioners have to pay the balance amount of Rs.45,000/- 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.45,000/- 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 cheque bearing No.832401 dated 29.3.2019 for an amount of Rs.40,000/- which has been handed over to the respondent No.2 today in the Court. The petitioners have also paid Rs.5,000/- to the respondent No.2 in cash towards the full and final settlement amount today in the Court. Learned counsel for the petitioners 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.

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.

5. 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. 007/2017, under Sections 498-A/406/34 of the IPC, registered at P.S.: Kotla Mubarakpur, New Delhi and the proceedings emanating therefrom are quashed.

6. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

MARCH 29, 2019/rk