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

+ W.P.(CRL) 1108/2019 and CRL.M.A. 8163/2019 (exemption)

VIRENDER KUMAR & ORS

..... Petitioners

Through: Mr. Akhilesh Kumar and Mr. B. Pandey and Ms. Priyanka Verma, Advocates alongwith petitioners in person

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Piyush Singhal, Advocate for Mr. Ashish Aggarwal, ASC for State with SI Sona and ASI Pooja, P.S.: Aman Vihar
Respondent no.2 in person

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

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11.09.2019

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 0942/2016, under Sections 498A/406/34 of the Indian Penal Code, 1860, registered at P.S.: Aman Vihar and the proceedings emanating therefrom.

The Investigating Officer, who is present in Court, has identified the petitioners as well as respondent no.2.

The petitioners and respondent no.2 have submitted that they have settled their disputes before the Mediation Centre on 16.03.2018. The parties have already obtained divorce by mutual consent on 12.11.2018. The settlement amount was Rs. 5,25,000/-, out of which Rs. 3,00,000/- has

already been paid to respondent no.2 and two demand drafts of Rs. 1,00,000/- and Rs. 25,000/- have been handed over to respondent no.2 today in the court. Copies of the said demand drafts have been placed on record.

Respondent no.2 reiterates the aforesaid facts and submits that they have amicably settled their dispute without any pressure or coercion from any source whatsoever. Respondent no.2 has further submitted that she has no objection to the FIR is quashed and the petition is allowed.

Learned counsel for the parties submit that Rs. 1,00,000/- is yet to be paid to respondent no.2. However, the said amount will be paid at the time of settlement in FIR No. 1462/2016 under sections 323/325/341/506/34 IPC. It is submitted that chargesheet in the above FIR has been filed before the learned MM and the parties will settle the offences being compoundable and Rs. 1,00,000/- will be paid on the date of settlement before learned Trial Court.

In view of the above 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. 0942/2016, under Sections 498A/406/34 of the IPC, registered at P.S.: Aman Vihar and the proceedings emanating therefrom are quashed.

It is further submitted that two children were born out of the wedlock namely Mayank Kumar and Himanshu and as per the settlement they will remain in the custody of the petitioner Vikram (husband). Respondent no.2, however, states that she intends to meet her children and wants visitation rights. The petitioner no.1 (husband) has no objection to the same.

Both the parties have agreed that respondent no.2 will meet her children in Balaji Mandir, Rama Vihar, Delhi from 2:00 PM to 5:00 PM twice in a month on alternate Sundays.

Petition stands disposed of accordingly.

BRIJESH SETHI, J

SEPTEMBER 11, 2019
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