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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2150/2019**

SATISH & ORS

..... Petitioners

Through: Mr. Alok Vajpayee & Mr. K.D.
Soni, Advocates

versus

THE STATE (NCT OF DELHI) & ANR Respondents

Through: Mr. Mukesh Kumar, APP with
SI Prateek Sharma, PS:Jaitpur,
Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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08.11.2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.005/2015, under Sections 324/498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Jaitpur, 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 before the Counselling Cell, Principal Judge, South-East District, Family Courts, Saket, Delhi on 19.7.2016, in terms whereof petitioner No.1 had agreed to pay Rs.1,00,000/- to the respondent No.2. It is further submitted that out of Rs.1,00,000/-, an amount of Rs.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 21.9.2017.

3. Respondent No.2, who is present in Court, 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.50,000/- 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.066134, dated 6.11.2019, drawn on Syndicate Bank, for an amount of Rs.50,000/-, which has been handed over to the respondent No.2 today in the Court.

5. Learned counsel for the petitioners further submitted that a sum of Rs.50,000/- is lying deposited with the Trial Court, hence, in view of the demand draft for a sum of Rs.50,000/- being paid to the respondent No.2 in the Court today, he may be allowed to withdraw the balance amount of Rs.50,000/-, which is lying deposited with the Trial Court. Respondent No.2 has no objection in case the balance amount of Rs.50,000/-, which is lying deposited with the Trial Court, is returned to the petitioners. The parties may move a joint application before the Trial Court and the Trial Court is directed to dispose of the same, in view of the orders passed by

this Court today.

6. 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.

7. 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. 005/2015, under Sections 324/498-A/406/34 of the IPC, registered at P.S.: Jaitpur, Delhi and the proceedings emanating therefrom are quashed.

8. Petition is disposed of in above terms. Pending application is also disposed of.

CHANDER SHEKHAR, J

NOVEMBER 08, 2019

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