

\$~73

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

+ **CRL.M.C. 4440/2019**

SH. DIGVIJAY CHOUDHARY Petitioner

Through: Mr. Neeraj Kumar Jha, Advocate.

versus

STATE & ANR. Respondents

Through: Mr. A.K. Garg, APP for the State with
SI Seema, PS Dwarka North.
Ms. Mamta Chandra, Advocate for R-2 with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **05.09.2019**

Crl. M.A. No.35127/2019 (for exemption)

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

Crl. M.C. No.4440/2019

1. Issue notice. Learned APP and learned counsel for respondent No.2 accept notice.
2. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.279/2017, under Sections 498-A/406 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Dwarka North, Delhi and the proceedings emanating therefrom.
3. The petitioner 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 Mediation Centre, Dwarka Courts, New Delhi vide settlement dated 18.03.2019 in terms whereof petitioner had agreed to pay Rs.3,20,000/- to respondent No.2.

4. It is further submitted that out of Rs.3,20,000/-, an amount of Rs.2,40,000/- has already been paid to respondent No.2. It is also submitted that the marriage between the petitioner 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 20.07.2019.

5. 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 petitioner pays the balance amount of Rs.80,000/- to her, which is required to be paid as per the settlement arrived at between the parties.

6. Learned counsel for the petitioner submitted that the petitioner has brought a demand draft bearing No.642099 dated 04.09.2019 drawn on Kotak Mahindra Bank for an amount of Rs.80,000/-, which has been handed over to respondent No.2 today in the Court.

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, 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.279/2017, under Sections 498-A/406 of the IPC, registered at P.S.: Dwarka North, Delhi and the proceedings emanating therefrom are quashed.

9. The petition is disposed of in the above terms.

CHANDER SHEKHAR, J.

SEPTEMBER 05, 2019
‘AA’