

\$~59

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

+ **W.P.(CRL) 2553/2019**

GAURAV SHARMA & ORS

..... Petitioners

Through Mr Rohit Kumar, Mr Prateek Chauhan,
Mr Kajal Kadan, Advocates.

versus

THE STATE & ANR

..... Respondents

Through Ms Saloni Jain, Ms Richa Kapoor, ASC
for State.

ASI Asmita, P.S. Najafgarh.

Mr Trilok Chand, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

12.09.2019

CRL.M.A. 35596/2019

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

W.P.(CRL) 2553/2019

3. The petitioners have filed the present petition, *inter alia*, praying that FIR No. 325/2018 under Sections 498-A/406/34 of the Indian Penal Code, 1860 (IPC) registered at P.S. Najafgarh, New Delhi and all proceedings emanating therefrom, be quashed.
4. The present petition is premised on a settlement arrived at between the parties. It is stated that the parties were referred to the Mediation Centre, Dwarka Courts in an appeal CA No. 431/2018 (an appeal under Section 29

of the Protection of Women from Domestic Violence Act, 2005).

5. Petitioner no. 1 and respondent no.2 have settled their disputes before the said Mediation Centre and had entered into a settlement dated 19.03.2019. In terms of the said settlement, petitioner no.1 agreed to pay a sum of ₹1,40,000/- and also return the articles as set out in Annexure – A to the said settlement. The said amount is to be paid by the petitioners in three instalments. The first two instalments of ₹50,000/- have already been paid and the remaining instalment of ₹40,000/- was agreed to be paid at the time of quashing of the said FIR.

6. The petitioners and respondent no.2 state that the articles, as referred to in Annexure-A to the settlement recorded on 19.03.2019, have already been returned.

7. Respondent no.2 is present in Court and she also affirms that she has settled all her disputes with the petitioners in terms of the settlement recorded on 19.03.2019. She further states that with the receipt of the balance amount of ₹40,000/-, she would have no claim against the petitioners.

8. The petitioners have handed over a demand draft (DD No. 502432 dated 09.09.2019 drawn on ICICI Bank) for a sum of ₹40,000/-. A photocopy of the said demand draft is placed on record. Respondent no.2 has accepted the said demand draft in full and final settlement of all her claims.

9. Petitioner no.2 is not present in Court today. It is stated that he is paralysed. Remaining petitioners are present in Court and are identified by their counsel.

10. Respondent no.2 is present in Court and is identified by the

Investigation Officer.

11. In view of the statements made by or on behalf both the parties (the petitioners and respondent no.2), the present petition is allowed and FIR No. 325/2018 under Sections 498-A/406/34 of the IPC registered at P.S. Najafgarh, New Delhi and all proceedings arising therefrom, are quashed.

12. Petitioner Nos.1,3,4,5 and respondent no.2 shall sign this order as an acknowledgment of the statements recorded herein.

13. Order *dasti* under signatures of the court master.

VIBHU BAKHRU, J

SEPTEMBER 12, 2019/pkv