

\$~50

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

Date of decision: 24.09.2019

+ CRL.M.C. 4840/2019

GAURAV PANWAR & ORS

..... Petitioners

Through: Mr. Manoj Kumar, Adv.

versus

THE STATE & ANR

..... Respondents

Through: Mr. Hirein Sharma, APP for State
with W/SI Sushma, PS – Uttam Nagar
Mr. Gaurav Arora, Adv. for
R-2/complainant

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL. M.A. 36724/2019

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

CRL.M.C. 4840/2019

3. Vide the present petition, the petitioners seek quashing of FIR No. 492/2013 dated 07.09.2013 registered at Police Station – Uttam Nagar instituted for the offences punishable under Sections 498A/406/34 of the IPC and consequent proceedings arising therefrom.

4. Notice issued.

5. Notice is accepted by learned APP for the State and counsel for the respondent no.2 and with the consent of the counsel for the parties, the present petition is taken up for final disposal.

6. The petitioner no.1 and respondent no.2 got married on 09.11.2008 as per Hindu rites and ceremonies. One female child was born out of the wedlock, namely, Darshita on 23.06.2011. Due to extreme incompatibilities between the petitioners and respondent no.2, they started living separately from October, 2013.

7. The petitioners and respondent no.2 entered into an amicable settlement vide settlement deed dated 29.01.2018 and settled all their disputes amicably. The total settlement amount is ₹3,50,000/- (Rupees Three Lakhs and Fifty Thousand only). It is submitted that the respondent No. 2 has already received an amount of ₹2,50,000/- (Rupees Two Lakhs and Fifty Thousand only). A demand draft bearing No.326733 dated 19.09.2019 for the balance amount of ₹1,00,000/- (Rupees One Lakh only) is handed over to the respondent No. 2 today in the Court.

8. The complainant is present in person with her counsel and has been identified by W/SI Sushma of Police Station – Uttam Nagar and submits that

matter has been settled and she does not wish to prosecute the matter any further.

9. Taking into account the aforesaid facts, this Court is inclined to quash the concerned FIR as no useful purpose would be served in prosecuting the petitioner any further.

10. For the reasons afore-recorded, the FIR No. 492/2013 dated 07.09.2013 registered at Police Station – Uttam Nagar instituted for the offences punishable under Sections 498A/406/34 of the IPC and consequent proceedings arising therefrom are quashed.

11. The petition is allowed accordingly.

12. Order *dasti*, under the signature of Court Master.

(SURESH KUMAR KAIT)
JUDGE

SEPTEMBER 24, 2019

PB