

\$~71

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

+ CRL.M.C. 5517/2019 & CrI.M.A.39189/2019

RAVI NAGPAL & ORS. Petitioners

Through Mr. Kaushal Kumar Singh,
Adv. with the petitioners in
person

versus

STATE & ANR. Respondents

Through Mr. Ashok Kumar Garg, APP
with Insp. Asifa
Ms. Chanchal Sharma, Adv. for
R-2 with the R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **24.10.2019**

1. Issue notice.
2. Notice is accepted by the learned APP for the State as well as by the learned counsel for the respondent No.2.
3. Learned counsel for the petitioners submitted that the petitioners Nos.3 and 5 have already expired and their death certificates are on record.
4. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.01/2016 dated 11.1.2016, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Nanakpura, Delhi and the proceedings emanating therefrom.

5. The petitioner Nos.1, 2, 4 & 6 and respondent No.2 as well as the learned counsel for the parties submitted that the parties have settled their disputes on their own free will, without any force vide a Memorandum of Understanding dated 12.10.2018, in pursuance whereof, the marriage of the petitioner No.1 and the respondent No.2 stands dissolved vide decree of divorce dated 27.2.2019.

6. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that the petitioners have to pay the balance amount of Rs.3 lacs to her in terms of the settlement arrived at between the parties. Respondent No.2 further submitted that in case the petitioners make the payment of the balance amount of Rs.3 lacs to her, she has no objection to the petition being allowed and the FIR being quashed.

7. Learned counsel for the petitioners submitted that the petitioner Nos.1, 2, 4 & 6 have brought a demand draft bearing No.500842 dated 23.10.2019 for an amount of Rs.3 lacs which has been handed over to the respondent No.2 today in the Court. Learned counsel for the petitioners submitted that the amount already deposited by the petitioners before the Metropolitan Magistrate may be released in favour of the petitioners since the balance amount of Rs.3 lacs stands paid to the respondent No.2 by way of the aforesaid demand draft today in the Court and prayed that the present petition may be allowed and the FIR may be quashed.

8. Respondent No.2 submitted that she has no objection if the said amount of Rs.3 lacs which is lying deposited before the Court of

Metropolitan Magistrate is released in favour of the petitioners.

9. The Investigating Officer ('IO'), who is present in Court, has identified the petitioner Nos.1, 2, 4 & 6 as well as respondent No.2 and has also verified the settlement arrived at between the parties and the death of the petitioner Nos.3 and 5.

10. In view of the aforesaid circumstances and the 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.01/2016 dated 11.1.2016, under Sections 498-A/406/34 of the IPC, registered at P.S.: Nanakpura, Delhi and the proceedings emanating therefrom are quashed.

11. Petitioners may move an appropriate application before the Court of Metropolitan Magistrate for release of the amount of Rs.3 lacs in favour of the petitioners and the same be disposed of by the said Court in accordance with law.

12. Parties shall abide by the terms and conditions of the settlement.

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

CHANDER SHEKHAR, J

OCTOBER 24, 2019/rk