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

+ **CRL.M.C. 5536/2019 & CrI.M.A.39253/2019**

MOHD. FARMAN & ORS.

.... Petitioners

Through

Mr. Abhishek Rai, Adv. with
the petitioners in person

versus

STATE & ANR.

.... Respondents

Through

Mr. Ashok Kumar Garg, APP
with SI Rahul
Mr. Abdul Salam, Adv. for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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18.11.2019

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. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.264/2018, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') and Section 3/4 of the Dowry Prohibition Act, 1961 (DP Act), registered at P.S.: Bhajanpura, Delhi and the proceedings emanating therefrom.
4. The petitioners 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 or coercion before

the Principal Judge, Family Courts, North-East, Karkardooma Courts, Delhi on 4.2.2019, in pursuance whereof, the marriage of the petitioner No.1 and the respondent No.2 stands dissolved vide pronouncements of Talaq dated 8.3.2019, 27.4.2019 and 17.7.2019 as per Shariat law.

5. 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.2 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.2 lacs to her, she has no objection to the petition being allowed and the FIR being quashed.

6. Learned counsel for the petitioners submitted that the petitioners have brought a demand draft bearing No.522904 dated 14.10.2019 for an amount of Rs.2 lacs which has been handed over to the respondent No.2 today in the Court.

7. Learned counsel for the petitioners submitted that earlier the petitioners had given a cheque for an amount of Rs.3 lacs to the respondent No.2 and prayed that since today the balance amount of Rs.2 lacs stands paid to the respondent No.2 in the Court, the respondent No.2 should not claim the said cheque amount of Rs.3 lacs from the petitioners.

8. Respondent No.2 admitted the aforesaid position and submitted that in view of the payment of balance amount of Rs.2 lacs, she has now nothing due from the petitioners and she shall not claim any

amount on account of the cheque for an amount of Rs.3 lacs which was given to the respondent No.2 by the petitioners.

9. Learned counsel for the parties submitted that in view of the payment of the balance amount to the respondent No.2, the present petition may be allowed and the FIR may be quashed.

10. 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.

11. 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.264/2018, under Sections 498-A/406/34 of the IPC and Section 3/4 of the DP Act, registered at P.S.: Bhajanpura, Delhi and the proceedings emanating therefrom are quashed.

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

CHANDER SHEKHAR, J

NOVEMBER 18, 2019/rk