

\$~26

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

+ CRL.M.C. 2552/2018 & CRL.M.A.9073/2018

RAKESH KUMAR & ORS

.... Petitioners

Through: Mr. J.K. Sharma, Adv. with the
petitioners in person

versus

THE STATE OF NCT OF DELHI & ANR Respondents

Through: Mr.Panna Lal Sharma, APP
with W/SI Amolak, PS
Swaroop Nagar, Delhi
R-2 in person with counsel
(name not given)

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **24.04.2019**

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0123/2016, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Swaroop Nagar, Delhi and the proceedings emanating therefrom.
2. Respondent No.2 has filed her affidavit as well as her proof of identity on record.
3. 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 vide a Settlement Deed 30.1.2018, in pursuance whereof, the marriage of the

petitioner No.1 and the respondent No.2 stands dissolved vide decree of divorce dated 16.4.2018.

4. 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.

5. Learned counsel for the petitioners submitted that the petitioners have brought two demand drafts (demand draft No.322146 dated 7.2.2019 for an amount of Rs.1 lac and demand draft No.794870 dated 06.02.2019 for an amount of Rs.2 lacs) which have been handed over to the respondent No.2 today in the Court. Learned counsel for the petitioners 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.

6. 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.

7. 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. 0123/2016, under Sections 498-A/406/34 of the IPC, registered at

P.S.: Swaroop Nagar, Delhi and the proceedings emanating therefrom are quashed.

8. Petition is disposed of in above terms. Pending application also stands disposed of.

CHANDER SHEKHAR, J

APRIL 24, 2019/rk