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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 4473/2018

CHARLES HARISON & ORS

..... Petitioners

Through: Mr. Sunil Kumar Singh,
Advocate

versus

STATE & ANR.

..... Respondents

Through: Mr. Raghuvinder Verma, APP
with Inspector Asha, PS:CWC,
Nanakpura, Delhi
Counsel for respondent
No.2(name not given)

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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06.11.2019

CRL.M.A.39835/2019

1. In view of the cause submitted, the application is allowed. The Special Power of Attorney (SPA), executed by petitioner No.3 in favour of petitioner No.2, is taken on record.

2. Application is disposed of.

CRL.M.C. 4473/2018

1. Issue notice. Notice is accepted by the learned APP for the State and by learned counsel for respondent No.2.

2. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.26/2014, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: CWC,

Nanakpura, Delhi and the proceedings emanating therefrom.

3. The petitioners and respondent No.2 as well as their respective counsel submitted that the parties have settled their disputes on their own free will, without any force or coercion before the Mediation Centre, Dwarka Courts, Delhi on 8.8.2014. It is also submitted that the marriage between the petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 10A(2) of the Indian Divorce Act, 1869 vide a decree of divorce dated 29.11.2017.

4. Learned counsel for the petitioners submitted that in terms of the settlement, the petitioner No.1 had undertaken to pay Rs.6,000/- per month to respondent No.2. However, in the joint statement recorded before the Principal Judge, Family Courts, Saket, Delhi on 29.11.2017, the petitioner No.1 undertook that he will pay an amount of Rs.15,000/- per month, instead of Rs.6,000/- per month to the respondent No.2.

5. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that since the matter stands settled, she has no objection to the petition being allowed and the FIR being 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, the settlement arrived at between the parties and the dissolution of marriage,

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. 26/2014, under Sections 498-A/406/34 of the IPC, registered at P.S.: CWC, Nanakpura, Delhi and the proceedings emanating therefrom are quashed. The petitioner No.1 shall remain bound by his undertaking to pay Rs.15,000/- per month to respondent No.2 in terms of the joint statement recorded before the Principal Judge, Family Courts, Saket, Delhi on 29.11.2017.

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

NOVEMBER 06, 2019
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