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

+ **CRL.M.C. 4825/2018 & CRL.M.As.9238/2019 & 31848/2019**

MOHD. ASIF @ CHAND & ORS. Petitioners

Through Mr. Asif Chaudhar, Advocate
with the petitioners in person
versus

STATE (N.C.T. OF DELHI) & ANR Respondents

Through Mr.Raghuvinder Verma, APP
with SI Sonu, PS Seemapuri
Mr. Nasir Kamal, Advocate for
R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **24.07.2019**

CRL.M.As.9238/2019 & 31848/2019

In view of the causes submitted in the applications, the applications stand disposed of.

CRL.M.C. 4825/2018

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.362/2015, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') and Section 4 of the Dowry Prohibition Act, 1961 (DP Act), registered at P.S.: Seemapuri, North East, Delhi and the proceedings emanating therefrom.

2. Death Certificate of the petitioner No.2, affidavits filed by the petitioner No.1 and the respondent No.2 as well as the *talaqnama* and

the amended memo of parties are taken 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 before the Mediation Centre, Karkardooma Courts, New Delhi on 7.6.2016 as well as vide a Memorandum of Understanding (MoU) dated 19.7.2018, in pursuance whereof, the marriage of the petitioner No.1 and the respondent No.2 stands dissolved vide *talaqnama* dated 23.2.2019.

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.2.5 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.2.5 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 a demand draft bearing No.014740 dated 5.7.2019 for an amount of Rs.2.5 lacs which has 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 as well as the Death Certificate of the petitioner No.2.

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.362/2015, under Sections 498-A/406/34 of the IPC and Section 4 of the DP Act, registered at P.S.: Seemapuri, North East, Delhi and the proceedings emanating therefrom are quashed. The parties shall remain bound by the terms and conditions of the Settlement dated 7.6.2016 as well as of MoU dated 19.7.2018.

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

JULY 24, 2019/rk