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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4839/2018
PRAVEEN SAINI & ORS Petitioners
Through: Mr. Anil Kumar Singh,
Advocate

versus

STATE & ANR Respondents
Through: Mr. Raghuvinder Verma, APP
with SI Ranbir Singh,
PS:Nangloi, Delhi
Ms. Kiran Singh, Advocate for
respondent No.2

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **14.08.2019**

1. Learned counsel for the parties submitted that due to typographical error in the earlier affidavit filed by respondent No.2, the amount has been wrongly mentioned as 5,00,000/-, though it ought to have been Rs.1,00,000/-, which was to be paid at the time of quashing of the FIR. A fresh affidavit has been filed by respondent No.2, wherein she has stated that she has already received a sum of Rs.4,00,000/- and now only Rs.1,00,000/- is required to be paid.

2. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0164/2009, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), read with Section 4 of the Dowry Prohibition Act, 1961 (DP Act), registered at P.S.:

Nangloi, 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 Counselling Cell, Additional Principal Judge (West), Tis Hazari Courts, Delhi, on 11.11.2016, in terms whereof petitioner No.1 had agreed to pay Rs.5,00,000/- to the respondent No.2.

4. It is further submitted that out of Rs.5,00,000/-, an amount of Rs.4,00,000/- has already been paid to respondent No.2. It is also submitted that the marriage between the petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 vide a decree of divorce dated 16.11.2017.

5. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that she has no objection to the petition being allowed and the FIR being quashed in case the petitioners pay the balance amount of Rs.1,00,000/- to her, which is required to be paid as per the settlement arrived at between the parties.

6. Learned counsel for the petitioners submitted that the petitioners have brought a demand draft bearing No.185135, dated 6.8.2019, drawn on Bank of Baroda, for an amount of Rs.1,00,000/-, which has been handed over to the respondent No.2 today in the Court.

7. 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.

8. 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. 0164/2009, under Sections 498-A/406/34 of the IPC, read with Section 4 of the DP Act, registered at P.S.: Nangloi, Delhi and the proceedings emanating therefrom are quashed.

9. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

AUGUST 14, 2019

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