

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6338/2018**
SMT SONIA & ORS Petitioners

Through: Mr. Bhagwan Jha, Advocate

versus

STATE OF NCT OF DELHI & ANR Respondents
Through: Mr.Panna Lal Sharma, APP
with SI Avdhesh Dixit,
PS:Saket, Delhi
Mr. Alok Gupta, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **10.07.2019**

1. Fresh affidavit on behalf of respondent No.2 has been filed.
2. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0128/2017, under Sections 406/506/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Saket, 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 vide Settlement-Agreement dated 1.11.2017, in terms whereof respondent No.2 had agreed to pay Rs.17,00,000/- to the petitioner No.1. It is further submitted that out of

Rs.17,00,000/-, an amount of Rs.2,00,000/- is required to be paid by the respondent No.2 to the petitioner No.1 at the time of the quashing of the present FIR. 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 28.8.2018.

4. Learned counsel for the respondent No2. submitted that the respondent No.2 has brought a demand draft bearing No.045477, dated 9.7.2019, drawn on Axis Bank, for an amount of Rs.2,00,000/-, which has been handed over to the petitioner No.1 today in the Court.

5. Respondent No.2 has reiterated the aforesaid facts and submitted that he 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. 0128/2017, under Sections 406/506/34 of the IPC, registered at

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

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

JULY 10, 2019

tp