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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: January 07, 2020

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W.P.(CRL) 22/2020 and CRL.M.A. 96/2020

SH. SUBHASH SHARDA & ORS.

..... Petitioners

Through: Mr. M.S. Bammi and Mr. Nitesh Kumar, Advocates alongwith petitioners in person (except petitioner no.2)

Versus

STATE & ANR.

..... Respondents

Through: Mr. Avi Singh, ASC with Mr. Divyanshu Sharma, Advocate for the State with ASI Rajesh Kumar, P.S.: Jagat Puri

Ms. Arti Thakur, Advocate for Respondent no.2/Complainant alongwith Respondent no.2/complainant in person

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

JUDGMENT

BRIJESH SETHI, J (oral)

Learned counsel for the petitioners submits that petitioner no.2 is not present today as she is unwell.

Heard. Petitioner no.2 is exempted from her personal appearance.

Learned counsels for the parties submit that Clause (j) of the Settlement Agreement dated 18.03.2019 may be deleted.

Heard. Allowed. Clause (j) of the Settlement Agreement dated 18.03.2019 stands deleted.

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 0134/2017, under sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Jagat Puri and the proceedings emanating therefrom.

The petitioners and respondent no.2 have submitted that they have settled their disputes before the Delhi High Court Mediation and Conciliation Centre, Delhi High Court, New Delhi on 18.03.2019. The parties have already obtained divorce by mutual consent on 03.12.2019. The settlement amount was Rs. 8,00,000/-, out of which Rs. 3,00,000/- has been paid to respondent no.2 at the time of first motion and Rs. 2,50,000/- has further been paid to respondent no.2 at the time of second motion and a demand draft of Rs. 2,50,000/- has been handed over to respondent no.2 today in the court. Copy of the said demand draft has been placed on record.

Respondent no.2, who is present in Court, has reiterated the aforesaid facts and submitted that they have amicably settled their dispute. Respondent no.2 further submitted that she has no objection to the FIR being quashed and the petition being allowed.

The Investigating Officer, who is present in Court, has identified the petitioners as well as respondent no.2.

In view of the above 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. 0134/2017, under sections 498A/406/34 of the IPC, registered at P.S.: Jagat Puri and the proceedings emanating therefrom are quashed.

Petition alongwith pending application is disposed of accordingly.

JANUARY 07, 2020
savita

(BRIJESH SETHI)
JUDGE