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

+ **CRL.M.C. 347/2019**

PANKAJ PANDEY & ORS.

Through

Mr.Manoj

Chaudhary

and

Mr.M.L.Kalkal, Advocates

..... Petitioner

versus

STATE OF NCT OF DELHI & ANR.

Through

Mr.Sanjeev Sabharwal, APP for State
with SI Ashok PS Farsh Bazar.

Mr.Satish Kumar Yadav, Advocate
for R-2

..... Respondents

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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26.02.2020

CRL.M.C. 347/2019

Vide the present petition, the petitioners seek the quashing of the FIR No.248/2010, PS Farsh Bazar registered under Sections 498A/406/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioners and the respondent no.2 and that no useful purpose would be served by the continuation of the proceedings in the present FIR.

The Investigating Officer of the case is present in court and has identified the petitioners, as being the accused arrayed in the FIR in

question and has also identified the respondent no.2.

The respondent no.2 has produced her original proof of identity, photocopy of which is on the record. Today on query by the Court, she affirms having signed her affidavit in support of the averments made in the petition as well as the settlement dated 23.01.2018 which has been arrived at between her and the petitioner no.1 at the Delhi Mediation Centre, Karkardooma Courts, Delhi during the course of the proceedings in HMA No.337/2018 on 31.03.2018 before the Court of Additional Principal Judge, Family Courts, Shahdara, Karkarooma Courts, Delhi. She has stated that she has signed all these documents voluntarily of her own accord without any duress, coercion or pressure from any quarter.

She has further testified to the effect that in terms of the settlement between her and the petitioner no.1, a total sum of Rs.7,50,000/- had been agreed to be paid to her by the petitioner No.1 towards all her claims of which a sum of Rs.5,50,00/- has been received by her previously during the proceedings under Section 13B(1) and 13B(2) of the Hindu Marriage Act, 1955 and the balance sum of Rs.2,00,000 has been paid by the petitioner No.1 on 22.01.2019 through RTGS/NEFT in her favour and she further states that there are now no claims of hers left against the petitioners. The Respondent No.2 has further testified to the effect that the marriage between her and the petitioner no.1 has been dissolved vide a decree of divorce through mutual consent under Section 13B (2) of the HMA No.337/2018 on 31.03.2018 before the Court of Additional Principal Judge, Family Courts, Shahdara, Karkarooma Courts, Delhi. The

Respondent No.2 has further stated that she has understood the implications of the statement made by her and further stated that she does not oppose the prayer made by the petitioners seeking the quashing of the FIR in question nor does she want the petitioners to be punished in relation thereto.

On behalf of the State, there is no opposition to the prayer made by the petitioners seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.

In as much as the FIR has apparently emanated from a matrimonial discord between the parties which has been resolved by the dissolution of marriage between the petitioner no.1 and the respondent no.2 and all the claims having been settled, it is considered appropriate to put a quietus to the litigation and disputes between the parties for maintenance of peace and harmony between them as also for the well being of the respondent no.2.

Petitioner No. 1 has also filed additional affidavit dated 13.02.2020 confirming that Petitioner No. 1 is ready to consider any claim(s) which may arise in future with regard to their minor child insofar as maintenance and other issues are concerned, in terms of the decision of the Supreme Court in Civil Appeal 4031-4032/2019 arising out of SLP (C) Nos.32868-32869/2018 titled as ***Ganesh v. Sudhir Kumar Shrivastava & Ors.*** dated 22.04.2019, as adhered by this Court in ***Rakesh Jain & Ors. vs. State & Anr.*** in CRL.M.C. 2935/2019 dated 06.09.2019.

Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating are hereby quashed and the

present petition is disposed of. However, it is made clear that the aforesaid settlement shall not prejudice the rights which are vested in the minor child insofar as maintenance and other issues are concerned.

SANJEEV NARULA, J

FEBRUARY 26, 2020/SG