

\$~13

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

+ **CRL.M.C. 1045/2019**

VIKASH DEEP

..... Petitioner

Through **Mr.S.S.Bhati, Advocate**

versus

STATE & ANR.

.... Respondent

Through **Mr.Sanjeev Sabharwal, APP for State
with SI Brij Mohan PS Geeta Colony**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

26.02.2020

CRL.M.C. 1045/2019

1. Vide the present petition, the petitioner seeks the quashing of the FIR No.750/2014, PS Geeta Colony registered under Sections 354A/506/34 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the petitioner and the respondent no.2 and that no useful purpose would be served by the continuation of the proceedings in the present FIR.

2. Brief facts of the case giving rise to the present petition are that the marriage between petitioner and respondent no. 2 was solemnized on 09.11.2012 as per Hindu rites and customs. However, due to matrimonial discord, the parties started residing separately and respondent no. 2 filed a complaint against the petitioner and his father, namely NetramFauji, on the basis of which, the FIR No.

750/2014 under sections 354A/506/34 came to be registered at PS Geeta Colony, New Delhi. The petitioner's father is stated to have since passed away. Charge sheet was filed and during the course of the proceedings, the parties amicably settled the matter before the Counselling Cell, Family Court, East District, Vishwas Nagar, New Delhi vide Settlement dated 10.04.2018 and the marriage was dissolved by mutual consent vide decree dated 11.01.2019 in HMA No. 2460/2018.

3. On perusal of the present petition, it emerges that there was another FIR registered against the petitioner at PS Geeta Colony, bearing No. 81/2015 under Sections 498-A/406/34 of the Indian Penal Code, 1860. However, the same stands quashed vide order dated 27.2.2019 in CrI. M.C. 1136/2019 passed by this Court.

4. The Investigating Officer of the case is present and has identified the petitioner as being the accused arrayed in the FIR in question and has also identified the respondent no.2.

5. Respondent no.2 has produced her original proof of identity, photocopy of which is on the record and 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 10.04.2018 which has since been arrived at between her and the petitioner at the Counselling Cell, Family Court, Vishwas Nagar, Delhi, wherein she has stated that she has signed all these documents voluntarily of her own accord without any duress, coercion or pressure from any quarter.

6. She further states that in terms of the settlement between her and the petitioner, a total sum of Rs.2,75,000/- had been agreed to be paid to her by the petitioner No.1 towards all her claims, of which, a sum of Rs.2,35,000/- has been received by her previously and the balance sum of Rs.40,000/- has been handed over to her by the petitioner today during the course of present proceedings vide a Demand Draft bearing No.462153 dated 08.02.2019 drawn on Punjab National Bank in her favour. She further states that there are now no claims of hers left against the petitioner. She also states that the marriage between her and the petitioner has since been dissolved vide a decree of divorce through mutual consent. She states that she has understands the implications of the statement made by her and 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.

7. 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.

8. 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 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.

9. In view thereof, the FIR in question and all consequential proceedings emanating therefrom against the petitioners are thus quashed.

10. The petition is disposed of.

SANJEEV NARULA, J

FEBRUARY 26, 2020

sg