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

+ **CRL.M.C. 1202/2020**

PRASHANT SINGH & ORS

..... Petitioners

Through: Mr.Vishal Mahajan and Mr.Anil
Kumar, Advocates with the
petitioners in person.

versus

STATE (GOVT. OF NCT) & ANR

..... Respondents

Through; Dr.M.P.Singh, APP for State with SI
Manish Kumar, P.S. Delhi Cantt.,
Delhi.
Mr.P.K.Pandey and Mr.Ashwani
Tripathi, Advocates for R2 with
R2/complainant in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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02.03.2020

Crl.M.A.No.4652/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 1202/2020

1. The present proceedings are instituted seeking quashing of FIR No. 313/2017, registered under Sections 498A/406/34 IPC at Police Station Delhi Cantt. on the ground of a settlement having been arrived at between petitioner no.1 and respondent no. 2.
2. The present FIR is an outcome of matrimonial disputes between petitioner no.1 (husband) and respondent no.2 (wife).

3. Dr.M.P.Singh, learned APP for the State submits that the charge-sheet has been filed against the present petitioners and respondent no.2 is the only complainant/victim in the present case.

4. Learned counsels for the parties submit that during the pendency of proceedings in maintenance petition filed by respondent No.2 against petitioner No.1 under Section 125 Cr.P.C., the parties have amicably settled all their claims, counter-claims etc. By entering into Settlement Deed dated 29.08.2019 before the Counselling Cell of Family Court, Patiala House Courts, New Delhi for a total sum of Rs.5,50,000/-, out of which an amount of Rs.4,00,000/- has already been paid to her. A copy of the Settlement Deed is placed on record as Annexure P-2. In terms of the settlement, the marriage between petitioner no.1 and respondent no.2 has been dissolved by a decree of divorce by mutual consent passed by the Principal Judge, Family Courts, Patiala House Courts, New Delhi District vide decree of divorce dated 22.01.2020 passed in HMA Petition No.42/2020, a copy of which is placed on record as Annexure P-3. Learned counsels for the parties further submit that in terms of the aforesaid settlement, respondent No.2 is, now, left with no claim or grievance against the petitioners.

5. The petitioners and respondent no.2 are present in person and have been identified by their respective counsels as well as the Investigating Officer. The petitioners have handed over a demand draft bearing No.909817 dated 10.02.2020 for Rs.1,50,000/- drawn on Vijaya Bank to respondent no. 2 today in Court towards the balance settled amount, which has been duly received and accepted by her.

6. Respondent no. 2, present in person, states that she has entered into the settlement with the petitioners out of her own free will, volition and

without any undue force, pressure or coercion. She further states that she has received the entire settled amount from the petitioners and that her marriage with petitioner No.1 has already been dissolved and she has no objection if the present FIR and all subsequent proceedings arising therefrom are quashed.

7. Learned counsels for the parties submit that no other proceedings are pending between the parties.

8. The parties shall remain bound by their statements made in Court today.

9. In view of the settlement arrived at between the parties voluntarily and the fact that the marriage between petitioner no.1 and respondent no.2 has already been dissolved, in my view, no useful purpose will be served in keeping them entangled in the present criminal proceedings. Accordingly, in the interest of justice, the aforesaid FIR and the consequent proceedings emanating therefrom are hereby quashed.

10. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

MARCH 02, 2020

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