

\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1249/2020 & CrI. M.A. 4824/2020**

PRADEEP & ANR.

..... Petitioners

Through: Mr. Trideep Pais and Ms. Sanya
Kumar, Advs. with petitioners in
person.

versus

STATE & ANR.

..... Respondents

Through: Dr. M.P. Singh, APP for the State
with SI Ankur, P.S. Tilak Nagar.
Mr. Vijay K Sehgal, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

12.03.2020

1. The present proceedings are instituted seeking quashing of FIR No. 799/2016 under Sections 328/498A/34 IPC registered at P.S. Tilak Nagar 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. Learned counsel for the petitioners submits that although initially FIR was registered under Sections 328/498A/34 IPC and Section 3 of the Dowry Prohibition Act, 1961 however, vide order dated 21.01.2020 the trial court has discharged the petitioners for the offence punishable under Section 328 IPC. Status report to the aforesaid effect has been handed over and taken on record.

4. 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. He further submits that the death of accused Santosh has also been verified.
5. Learned counsel for the petitioners submits that petitioner no.1 and respondent no.2 have settled their disputes vide Settlement Agreement dated 01.11.2017. A copy of the same is annexed with the petition. 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 Family Court, West, Tis Hazari Court, Delhi on 16.05.2018.
6. The petitioners and respondent no.2 are present in person and have been identified by their respective counsels as well as the Investigating Officer. In terms of the settlement, petitioners have paid Rs.4 lacs to respondent no.2 vide two demand drafts bearing nos. 454764 dated 02.03.2020 and 454765 dated 03.03.2020 amounting to Rs.2 lacs each, both drawn on State Bank of India, Chaukhandi Branch today in Court towards the balance settled amount. Photocopies of the said demand drafts have been placed on record.
7. Respondent no. 2 states that she has entered into the settlement with petitioner no.1 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 and has no objection if the present FIR and the consequent proceedings are quashed against the petitioners.
8. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.
9. The parties shall remain bound by their statements made in Court

today.

10. In view of the settlement arrived at between the parties voluntarily and the fact that the marriage between the 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.

11. With the above directions, the petition is disposed of. Miscellaneous application is disposed of as infructuous.

12. Dasti.

MANOJ KUMAR OHRI, J

MARCH 12, 2020

ga