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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL. M.C. 1653/2020**

ABHISHEK MALHOTRA & ORS. Petitioners
Through: Mr. Roopenshu Pratap Singh and Mr.
Siddharth Kuntal, Advocates for
petitioners.
Representative of respondent no.2 is
also present in person.

Versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Dr. M.P. Singh, APP for State with SI
Vijay Kumar, P.S. Prashant Vihar.
Mr. Navdeep Singh, Advocate for R-2
with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER
% **14.08.2020**

CRL. M.A. Nos. 10994-95/2020

1. Exemptions are allowed, subject to the condition that the petitioners will file the duly sworn/attested affidavits and the certified copies of the annexures within 72 hours from the date of resumption of the regular functioning of this Court.

2. Applications are disposed of.

CRL. M.C. 1653/2020

1. By this petition filed under Section 482 Cr.P.C., the petitioners seek

quashing of FIR No. 254/2019 registered under Sections 498-A/406/34 IPC at P.S. Prashant Vihar on the ground of settlement being arrived at between the parties.

2. The present FIR is an outcome of matrimonial disputes between the husband (petitioner no.1) and wife (respondent no.2).

3. Dr. M.P. Singh, learned APP for the State, on instructions, submits that charge-sheet has not been filed in the present case. He also submits that the present petitioners are the only accused persons and respondent no.2 is the only complainant in the present FIR.

4. Mr. Siddharth Kuntal, learned counsel for the petitioners submits that petitioner no.1 and respondent no.2 have settled their disputes vide Memorandum of Understanding dated 23.12.2019, a copy whereof has been placed on record as Annexure P-2. He further submits that in terms of the settlement, the marriage between petitioner no.1 and respondent no.2 has already been dissolved by a decree of divorce by mutual consent passed by the Family Court, North District, Rohini Court on 10.02.2020. It is also submitted that out of the total settled amount of Rs. 25,00,000/-, a sum of Rs.10,00,000/- has already been paid by petitioner no.1 to respondent no.2. Today, learned counsel for the petitioners has handed over a demand draft bearing no. 500241 dated 17.07.2020 drawn on Bank of India of the remaining settled amount i.e., Rs.15,00,000/- to the representative of respondent no.2 .

5. Parties are present along with their counsels through this V.C. hearing. The Investigating Officer SI Vijay Kumar of P.S. Prashant Vihar has also joined this V.C. and has identified the parties.

6. 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 submits that she has received the entire settled amount from petitioner no.1 and now, she is left with no claim whatsoever against petitioner no.1 or his family members. She also states that she has no objection if the present FIR is quashed against petitioner no.1 and his family members i.e., petitioner nos. 2 to 5.

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

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

9. In view of the settlement arrived at between the parties and the fact that the parties have decided to part their ways and have, in fact, obtained a decree of divorce by mutual consent, in my view, no useful purpose will be served in continuance of the present criminal proceedings. Accordingly, in the interest of justice, the aforesaid FIR, which is at the investigation stage, is hereby quashed.

10. The petition is disposed of in the above terms.

MANOJ KUMAR OHRI, J

AUGUST 14, 2020

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