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

+ **CRL.M.C. 1020/2020**

VIJAY KUMAR @ KALA & ORS.

..... Petitioners

Through: Mr.Vimal Kr. Gaur, Advocate with
petitioners No.1, 2 & 4 in person.

versus

STATE & ANR.

..... Respondents

Through: Dr.M.P.Singh, APP for State with SI
Shashi Kant, P.S. Geeta Colony,
Delhi.

Mr.Paramdeep Singh, Advocate for
R2 with R2/complainant in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **25.02.2020**

Crl.M.A.No.4112/2020 (Exemption)

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

Crl.M.A.No.4113/2020 (condonation of delay)

1. By this application filed under Section 5 of the Limitation Act read with Section 482 Cr.P.C., the petitioners seek condonation of delay in re-filing the present petition.
2. For the reasons stated in the application, the delay in re-filing the petition is condoned.
3. Application stands disposed of.

CRL.M.C. 1020/2020

1. The present proceedings are instituted seeking quashing of FIR No. 181/2008, under Sections 498A/406/34 IPC registered at P.S. Geeta Colony, Delhi, on the ground of a settlement having been arrived at between petitioner no.1 and respondent no. 2.
2. Learned counsel for the petitioners submits that on account of illness, petitioner No.3 is unable to attend the Court today. He, however, submits that petitioners No.1,2 & 4 are present in Court today.
3. The present FIR is an outcome of matrimonial disputes between petitioner no.1 (husband) and respondent no.2 (wife).
4. Dr.M.P.Singh, learned APP for the State submits that the charge-sheet has been filed in the present case against the petitioners and respondent no.2 is the only complainant/victim.
5. Learned counsels for the petitioners submit that with the intervention of common relatives and friends and respectable persons of the society, the parties have amicably settled their disputes before the Delhi Mediation Centre, Karkardooma Courts, Delhi on 19.10.2015 for a total sum of Rs.1 lac towards the full and final settlement of all claims of respondent No.2. It is submitted that 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 dated 04.07.2016 passed by the Principal Judge, East District, Family Court, Vishwas Nagar, Delhi.
6. The petitioners No.1,2 & 4 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, learned counsel for the petitioners has handed over an amount of Rs.20,000/- to respondent no.2 in Court today towards the balance settled amount, which has been duly received and acknowledged by her.

7. 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 no objection if the present FIR and the consequent proceedings are quashed against petitioner no.1 and his family members i.e. petitioner nos. 2 to 4.

8. Learned counsels for the parties submit 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 amicable 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.

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

MANOJ KUMAR OHRI, J

FEBRUARY 25, 2020

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