

Vivek Kumar & Ors vs State (Govt Of Nct Of Delhi) & Anr on 29 January, 2019

Author: Chander Shekhar

Bench: Chander Shekhar

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 8/2019

VIVEK KUMAR & ORS

..... Petitioners

Through Mr. Mayank Mohan, Ms.
Reema Roy and Mr. Ankit
Chauhan, Advocates

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through Mr. Panna Lal Sharma, APP
with SI Rampal Singh PS
Bhajanpura,

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% 29.01.2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 0412/2016, under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') registered at P.S.: Bhajanpura, Delhi and the proceedings emanating therefrom.

2. The petitioners and respondent No.2 as well as their respective counsel submitted that the parties have settled their disputes on their own free will, without any force or coercion, vide Settlement dated 07.05.2018 before the Family Court, Karkardooma Courts, Delhi in terms whereof the petitioner No.1 had to pay Rs.10,00,000/- to the respondent No.2. It is further submitted that out of Rs.10,00,000/- an amount of Rs. 7,00,000/- has already been paid to respondent No.2. It is also submitted that the marriage between petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 vide a decree of divorce dated 21.08.2018.

3. Respondent No.2, who is present in Court has reiterated the aforesaid facts and submitted that she has no objection to the petition being allowed and the FIR being quashed in case the petitioner No.1 pays the balance amount of Rs.3,00,000/- to her, which is required to be paid as per the Settlement.

4. Learned counsel for the petitioners submitted that the petitioners have brought a Demand Draft bearing No.876797, dated 07.01.2019, drawn on Punjab & Sind Bank, for an amount of Rs.3,00,000/-, which has been handed over to the respondent No.2 today in the Court.

5. The Investigating Officer ('IO'), who is present in Court, has identified the petitioners as well as respondent No.2 and has also verified about the Settlement.

6. In view of the aforesaid circumstances and the Settlement arrived at between the parties, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No. 0412/2016, under Sections 498A/406/34 of the IPC registered at P.S.: Bhajanpura, Delhi and the proceedings emanating therefrom are quashed. However, the parties shall remain bound by the terms and conditions of the Settlement.

7. Petition is disposed of in above terms.

CHANDER SHEKHAR, J JANUARY 29, 2019/sk