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

+ **CRL.M.C. 2049/2016**

VICKY

..... Petitioner

Represented by: Ms. Priyanka Kasana, Mr. J.K.
Panwar, Advs.

versus

THE STATE & ANR

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with ASI Dineshan K. PS
Mayapuri.
Mr. Rajveer Singh Bhati, Adv.
for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

21.10.2016

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CrI.M.A. 8679/2016

For the reasons stated in the application delay of 33 days in refiling is condoned.

Application is disposed of.

CRL.M.C. 2049/2016

By the present petition the petitioner seeks quashing of FIR No. 136/2011 under Sections 406/498A/34 IPC registered at PS Mayapuri, Delhi on the complaint of Respondent No.2 on the ground that the parties have settled the matter.

CRL.M.C. 2049/2016

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Learned APP for the State on instructions from Investigating Officer submits that in the above-noted FIR the petitioner is the only accused and respondent No.2 the only complainant/ victim.

Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she was granted ex-party divorce by the learned Family Court as the petitioner failed to appear on 9th September, 2013. Thereafter the parties have arrived at a settlement copy whereof has been placed on record from pages 59 to 62 of the present petition. As per the settlement the child will remain in the custody of respondent No.2 and the petitioner will have no visiting rights of the minor child Shashank. The respondent No.2 has settled all her disputes regarding istridhan, alimony, maintenance etc. and has no claim whatsoever against the petitioner. She also undertakes that she will not make any claim on any movable or immovable property belonging to the petitioner. However, the petitioner would continue to pay a sum of ₹1500/- per month to the minor child by depositing the same in bank account No.680701111001515 at Vijay Bank, Delhi Cantt and they will not re-agitate any of the issues settled between the parties. In view of the settlement arrived at between the parties respondent No.2 does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and states that he will abide by the terms of settlement as incorporated in the settlement dated 27th September, 2016.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 136/2011 under Sections 406/498A/34 IPC registered at PS Mayapuri, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 21, 2016
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