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

+ CRL.M.C. 1709/2016

AKASH DEEP SHARMA

..... Petitioner

Represented by: Ms. Babli Kala, Adv. with
petitioner.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Desh Raj, PS Govind Puri.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.12.2016

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Amended memo of parties filed is incorrect as it does not implead the complainant as respondent No.2.

By the present petition, the petitioner seeks quashing of FIR No.481/2015 under Sections 406/498A/34 IPC registered at PS Govindpuri on the complaint of respondent No.2 and the proceedings pursuant thereto as the parties have settled the matter.

Learned APP for the State on instructions submits that in the above noted FIR four persons were arrayed as an accused however in the charge sheet filed only the petitioner was kept in column No.11 and other three accused were kept in column No.12 who were not summoned by learned Trial Court. He further states that respondent No.2 is the only complainant/victim in the above noted FIR. Thus, the memo of parties initially filed is correct memo of parties.

Respondent No.2 is present in Court and identified by the investigating officer. She states that she has settled the matter with the petitioner and in terms of memorandum of understanding dated 10th February, 2016 copy whereof has been placed on record at pages 33 to 36, divorce by mutual consent has been granted between the petitioner and respondent No.2. In lieu of all her claims regarding maintenance/istridhan/permanent alimony etc., petitioner has paid to respondent No.2 a total sum of ₹12 lakhs and she has now no claim whatsoever remaining against the petitioner. She does not wish to pursue the above noted FIR and proceedings pursuant thereto and states that she will abide by the terms of memorandum of understanding dated 10th February, 2016. The petitioner who is present in Court and identified by learned counsel affirm the statement of respondent No.2 and assures that he would abide by the terms of memorandum of understanding dated 10th February, 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.481/2015 under Sections 406/498A/34 IPC registered at PS Govindpuri, 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.

DECEMBER 20, 2016
‘v mittal’

MUKTA GUPTA, J.