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

+ **CRL.M.C. 1853/2016**

AMIT KUMAR GUPTA & ORS

..... Petitioner

Represented by: Mr. Bharat Bagga, Adv. with
petitioners.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Rita, PS Prashant
Vihar.

Mr. Sahil Munjal and Mr.
Joginder Singh Sehrawat,
Advs. for R-2 with R-2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
04.10.2016

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Crl.M.A. 15737/2016

By this application, the petitioners seek to place on record the amended petition. Amended petition is taken on record.

Application is disposed of.

Crl.M.C. 1853/2016

By the present petition, the petitioners seek quashing of FIR No.41/2013 under Sections 498A/406 IPC registered at PS Prashant Vihar on the complaint of respondent No.2 and proceedings pursuant thereto as the parties have settled the matter.

Learned APP for the State on instructions submits that that in the above noted FIR, four petitioners are the only accused and respondent No.2 the only complainant/victim.

Respondent No.2 is present in Court and is identified by learned counsel and the investigating officer. She submits that she has settled the matter with the petitioners. In terms of the settlement, divorce by mutual consent has been granted between petitioner No.1 and respondent no.2. In lieu of all her claims in respect of maintenance, istridhan, permanent alimony etc. and for the maintenance of two minor children born out of the said wedlock i.e. Riya Gupta and Reva Gupta, the petitioners have agreed to pay ₹1,30,00,000/- to the respondent No.2. She states that she has already received ₹1,00,00,000/- out of which amount of ₹80 lakhs have been received by way of four FDRs of ₹30 lakhs each and ₹10 lakh each in the name of two minor daughters i.e. Riya Gupta and Reva Gupta and ₹20 lakhs for herself. The balance amount of ₹30 lakhs has been received by her today in Court by way of three bank drafts of ₹10 lakhs each bearing Nos.510610 dated 27th September, 2016, 507718 dated 29th September, 2016 and 500485 dated 3rd October, 2016 all drawn on ICICI Bank, Connaught Place, New Delhi respectively. Out of the said amount of ₹30 lakhs received by her today in Court, she will make two FDRs of ₹10 lakhs each in the name of the two minor daughters, copy of which she will furnish to learned counsel for the petitioner within 15 days from today. She further states the petitioners have no visitation rights of the minor daughters and after receiving the aforesaid amount, she has no claim whatsoever against the petitioners. She states that she does not wish to pursue the above noted FIR and the proceedings pursuant thereto.

Petitioner Nos. 2 and 3 are exempted from appearing before this Court for the reason petitioner No.2 is suffering from cancer and petitioner No.3 is looking after her. Petitioner Nos. 1 and 4 who are present in Court and are

identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of the settlement.

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.41/2013 under Sections 498A/406 IPC registered at PS Prashant Vihar, 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 04, 2016
‘v mittal’