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

+ CRL.M.C. 2428/2016

JITENDER SHARMA & ANR.

..... Petitioners

Through: Mr. Daya Ram Badalia, Advocate

versus

STATE & ANR.

..... Respondents

Through: Ms. Rajni Gupta, APP with Inspector
M.C. Pandey, PS:Nanakpura, New
Delhi

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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17.10.2016

By the present petition, the petitioners seek quashing of FIR No.104/2009 under Sections 498A/406/34 IPC registered at PS:Nanakpura, New Delhi and the proceedings pursuant thereto on the ground that the parties have settled the matter before the Mediation Centre, Dwarka Courts, New Delhi, vide Settlement dated 11th February, 2014.

Learned APP for the State states that initially four accused were arrayed in the FIR. However, the sister-in-law of the complainant, Shashi was kept in Column No.12, when the chargesheet was filed and she was not summoned by the learned trial Court. Learned APP further states that besides the two petitioners, Jitender Kumar, the brother-in-law and Rani, the mother-in-law, the husband of the respondent No.2, Narender Kumar, was also an accused. However, Narender Kumar has passed away and thus the proceedings *qua* him have abated.

Respondent No.2, who is present in Court, is identified by the Investigating Officer and states that she has settled the matter with the petitioners. In terms of the settlement, petitioner No.2, Rani Sharma has executed a Will dated 31st March, 2014 in respect of house No.320, ad measuring 20 sq. yds., Dhirpur Village, Nirankari Colony, Delhi, wherein 1/4th share has been bequeathed to the minor child, Baby Harshita, of respondent No.2 and the deceased son of Rani Sharma. Respondent No.2 further states that a sum of Rs.50,000/-, as agreed between the parties, has been received by her and now she has no claim, whatsoever, of any kind, including the maintenance and *streedhan* against the petitioners. She further states that *qua* petitioner Nos.1 and 2, she would be entitled to receive a sum of Rs.1,000/- per month jointly and severally, till Baby Harshita attains the age of 18 years. She states that in view of the settlement arrived at between the parties before the Mediation Centre, Dwarka Courts, New Delhi, a copy whereof has been annexed as Annexure-E (pages 98 to 100 of the paper-book), she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioner No.1, Jitender Sharma and petitioner No.2, Rani Sharma, brother-in-law and mother-in-law respectively of respondent No.2, affirm the statement of respondent No.2 and states that they shall abide by the terms of settlement arrived at between the parties before the Mediation Centre, Dwarka Courts, New Delhi.

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.104/2009 under Sections 498A/406/34 IPC registered at PS:Nanakpura, New 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 17, 2016
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