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

+ **CRL.M.C. 2787/2016**

BERNARD MASSEY & ORS

..... Petitioner

Represented by: Mr. Sunil Jacob, Mr. Krishan
Lal, Advs.

versus

STATE & ANR

..... Respondent

Represented by: Ms. Rajni Gupta, APP with
Insp. Usha Kumari Joshi posted
at Police Unit at Nanakpura.
Ms. Lata Anand, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

06.09.2016

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By the present petition, the Petitioners seek quashing of FIR No. 607/2004 under Sections 498A/406/34 IPC registered at PS Uttam Nagar, Delhi on the complaint of Respondent No.2 on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that besides the present three petitioners two more accused were named in the FIR, however charge was framed only against the three petitioners and the respondent No.2 is the only complainant/ victim in the above-noted FIR.

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Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states 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 and she has already received a sum of ₹5,50,000/- in lieu of all her claims of maintenance, istridhan, alimony and she has now no claim whatsoever of any kind remaining against the petitioners. She further states that child Alan born out of the wedlock would remain in her custody and care and the petitioner No.1 would be entitled to meet him as and when he desires. She does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioners who are identified by the learned counsel affirm the statement made by the complainant and state that they will abide by the terms of settlement arrived at between the parties.

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. 607/2004 under Sections 498A/406/34 IPC registered at PS Uttam Nagar, 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.

SEPTEMBER 06, 2016
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