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

+ CRL.M.C. 2298/2016

BRIJESH KUMAR GIRI & ORS

..... Petitioner

Represented by: Mr. Jagat Rana with Mr.
Yashwardhan S. Rathore, Advs.
and petitioners.

versus

STATE OF NCT OF DELHI & ANR

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
with SI Ajit Singh, PS Janak
Puri.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

26.10.2016

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By the present petition, the petitioners seek quashing of FIR No.383/2002 under Sections 498A/406/34 IPC registered at PS Janak Puri 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 though five accused were named however only 5 petitioners have been charge sheeted as accused and respondent No.2 is only complainant/victim.

Respondent No.2, who is present in Court and identified by the investigating officer, submits that she has settled the matter with the petitioners which was recorded in their joint statement made before the family court. She states that pursuant to the settlement, divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. She has already

received ₹3.5 lakhs in full and final settlement of all her claims including maintenance, istridhan, alimony etc. She further states that minor child Master Ashish would remain in her care and custody and petitioners would have no visitation rights and she will be responsible for his upbringing. She further states that she does not wish to pursue the above noted FIR and the proceedings pursuant thereto. Petitioner Nos. 1,2, 4 and 5, who are present in Court and identified by learned counsel, affirm the statement of respondent No.2 and state that they will abide by the terms of the settlement. Petitioner No.1 further clarifies that though clause 5 of the terms of settlement is applicable to the petitioners and respondent No.2, it will have no bearing on the rights of minor child Ashish in case he wishes to assert the same. Petitioner No.3 who is permanent resident of Bihar and is not in Delhi, is exempted from appearing before this court.

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.383/2002 under Sections 498A/406/34 IPC registered at PS Janak Puri, 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 26, 2016/‘v mittal’