

\$~18

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

+ **CRL.M.C. 4865/2016**

VIVEK GOLDSMITH

..... Petitioner

Represented by: Mr. S. Rohit Kumar, Mr.
Abhay Kumar Mishra, Ms.
Pooja Sharha, Advs.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
SI Brahma Dutta PS Sunlight
Colony.
Mr. Arvind Kumar, Adv. for
R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.12.2016

%

Crl.M.A. 20180/2016

Exemption allowed subject to just exceptions.

Crl.M.A. 20179/2016

For the reasons stated in the application delay of 170 days in refiling
the petition is condoned.

Application is disposed of.

CRL.M.C. 4865/2016

By the present petition the petitioners seek quashing of FIR No.
189/2006 under Sections 498A/406/34 IPC registered at PS Srinivasapuri,

CRL.M.C. 4865/2016

page 1 of 3

Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that in the above-noted FIR the 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 the learned counsel and the Investigating Officer. She states that she has settled the matter with the petitioners before the Mediation Centre, Saket Courts on 26th May, 2014 pursuant whereof divorce by mutual consent has been granted between the parties. She states that the petitioners have withdrawn the complaint filed by them at the Court at Lucknow. She further states that in lieu of all her claims of maintenance, istridhan, alimony etc., respondent No.2 is entitled to receive a total sum of ₹2,10,000/- out of which she has already received a sum of ₹1,10,000/- and the balance amount of ₹1 lakh has been received by her today in Court by way of demand draft No.'347396' drawn on Punjab National Bank. She does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioner No.1 and 4 are present in Court and are identified by the learned counsel. They affirm the statement of respondent No.2 and state that they will abide by the terms of settlement arrived at between the parties. Petitioner No.3 the mother of petitioner No.1 is ailing and is residing at Lucknow with the result petitioner No.2 the daughter has to stay back to look after her. Considering the fact that the petitioner No.3 is unwell and petitioner No.2 has to look after her, both of them are 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. 189/2006 under Sections 498A/406/34 IPC registered at PS Srinivaspuri, 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.

DECEMBER 23, 2016
‘ga’