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

+ **CRL.M.C. 2423/2016**

NARESH & ORS

..... Petitioner

Represented by: Mr. D.P. Sachdeva, Adv.

versus

STATE OF NCT DELHI & ANR

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Bhagat Ram PS EOW.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.07.2016

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By the present petition, the Petitioners seek quashing of FIR No. 529/2007 under Sections 498A/34 IPC registered at PS Okhla Industrial Area, New Delhi on the complaint of Respondent No.2 Mr. Hazari Lal. On the ground that the parties have settled the matter.

According to the learned APP on instructions from the investigating officer though the FIR was registered under Section 304B IPC as well, however during investigation no offence of dowry death was found, hence the charge-sheet was filed for offence punishable under Section 498A/34 IPC.

Respondent No.2 is present in Court and is identified by the Investigating Officer. He states that he has settled the matter with the Petitioners and in terms of the settlement he has received a draft bearing No.330747 drawn on UCO Bank for a sum of ₹1,75,000/- besides two FDRs

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all in the name of minor child Deepak amounting to ₹1,51,000/-. The petitioners have also executed documents i.e. power of attorney and the Will and transferred a plot at village Dayalpur, Faridabad admeasuring 50 sq.yds. in the name of the minor child Deepak. He further states that sum of ₹2000/- per month which the petitioners will be giving for the maintenance of Deepak will be spent on his upbringing. He states that he will continue to receive the sum on behalf of Deepak till Deepak attains the age of majority and utilize the same for his upbringing. Thus he does not wish to proceed with the FIR and the proceedings pursuant thereto.

The petitioners who are present in Court state that they will abide by the terms of the settlement according to which a draft for a sum of ₹1,75,000/- and two FDRs for ₹1,51,000/- have already been handed over in favour of the minor child Deepak. As regards the plot at village Dayalpur, Faradibad admeasuring 50 sq.yds. no further right, interest or title will be created in the said plot by any other person. Further the petitioners will continue to pay a sum of ₹2000/- per month for the maintenance of Deepak till he attains the age of majority.

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. 529/2007 under Sections 498A/34 IPC registered at PS Okhla Industrial Area, 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.

JULY 15, 2016
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