

24# \$~

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

+ **CRL.M.C. 2442/2016**

RAJ KUMAR & ANR

..... Petitioners

Represented by: Mr. Rambir Singh and Mr.
Sanjay Kumar Mann,
Advocates with petitioners in
person.

versus

THE STATE (N.C.T OF DELHI) & ANR

..... Respondents

Represented by: Ms. Meenakshi Chauhan, APP
for the State with SI Mukesh
Kumar, PS Bindapur.
Mr. Sumit Tyagi, Advocate for
respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

24.10.2016

By the present petition the petitioners seek quashing of FIR No. 321/2013 under Sections 498A/406/34 IPC registered at PS Bindapur, 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 submits that in the above noted FIR five petitioners were arrayed as accused however, the charge sheet was filed keeping the petitioner Nos. 1 and 2 in Column No.11 and the petitioner Nos. 3 to 5 in Column No.12 and the learned Trial Court has not

CRL.M.C. 2442/2016

Page 1 of 3

taken cognizance of the offence as yet. She further states that the respondent No.2 is the only complainant/victim in the abovementioned FIR.

The complainant/Respondent No. 2 Ms. Renu @ Neha Goyal who is present in Court and is identified by the learned counsel and the Investigating Officer states that the Petitioners and Respondent No.2/Complainant have settled the matter before the Mediation Centre, Dwarka Courts and the copy of the terms of settlement is annexed as Annexure-C at pages 34 to 37 of the paper-book. She states that in terms of the settlement marriage between the Petitioner No. 1 and Respondent No. 2/complainant has been dissolved by a decree of divorce by mutual consent. As full and final settlement of all the claims, that is, maintenance, streedhan and alimony etc. of the Respondent No. 2, the Petitioner No. 1 has to pay a sum of ₹1.75 lakhs out of which ₹1 lakh has already been received by her and the balance amount of ₹75,000/- has been received by her today in Court by Demand Draft No.676352 dated 21st October, 2016 drawn on Allahabad Bank, Bindapur, Delhi. Respondent No. 2 accepts the receipt of ₹1.75 lakhs and states that she has no claim whatsoever against the petitioners now. She states that the female child Chakshu born out of the wedlock will remain in her care and custody and neither the petitioners are neither entitled for neither the guardianship nor the visiting rights of the minor child. She states that in terms of the settlement and does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and state that they would abide by the terms of the Settlement.

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. 321/2013 under Sections 498A/406/34 IPC registered at PS Bindapur, 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 24, 2016
‘vn’