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

+ CRL.M.C. 3513/2016

SUNIL & ORS.

..... Petitioner

Represented by: In person.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
SI Omveer Singh, PS Nand
Nagri.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.11.2016

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Despite pass over, learned counsel for the petitioners is not present.

By this petition, the petitioners seek quashing of FIR No.160/2009 under Sections 498A/406 IPC registered at PS Nand Nagri on the complaint of respondent No.2 and proceedings pursuant thereto on the ground that parties have settled the matter.

Learned APP for the State on instructions from the investigating officer submits that though the present FIR was registered against four petitioners herein however charge was framed only against petitioner No.1 Sunil and respondent No.2 is the only complainant/victim in the above noted FIR.

Respondent No.2 who is present in Court and identified by investigating officer submits that she has settled the matter with the

petitioners and divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. She further states that in lieu of all her claims with regard to maintenance/permanent alimony/istridhan etc., she was entitled to receive ₹55,000/- out of which she has already received ₹37,000/-. She states that the balance amount of ₹18,000/- has been received by her today though in the form of 18 notes of ₹1,000/- each which have been demonetised. She states that she has no bank account but would get the said amount of ₹18000/- exchanged either at the post office or through the bank account maintained by her brother. She states that Master Karan born out of the said wedlock would remain in her care and custody and petitioners have no visitation rights of the said child. She further states that she has now no claim whatsoever against the petitioners and does not wish to pursue the above noted FIR and proceedings pursuant thereto. The petitioners who are present in Court and identified by investigating officer affirm the statement of respondent No.2 and state that they will abide by the terms of settlement. Petitioner No.1 further states that since he has no bank account, he is not in a position to pay ₹18,000/- to respondent No.2 by cheque.

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.160/2009 under Sections 498A/406 IPC registered at PS Nand Nagri, Delhi and proceedings pursuant thereto are hereby quashed. Photocopy of the order dated 16th June, 2016 passed by learned Principal Judge, Family Court granting divorce between petitioner No.1 and respondent No.2, which has been handed over in Court, is taken on record.

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.

NOVEMBER 23, 2016

‘v mittal’