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

+ **W.P.(CRL) 2385/2016**

VIPIN TYAGI & ORS.

..... Petitioner

Represented by: Mr. Sanjay Aggarwal, Ms.
Rekha Garg, Advs.

versus

STATE & ANR.

..... Respondent

Represented by: Ms. Kamna Vohra, ASC with
ASI Rajender Singh PS CAW
Cell.
Mr. Ashish Malhotra, Adv. for
R-2&3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.12.2016

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By the present petition the petitioners seek quashing of FIR No. 183/2016 under Sections 354/354B/323/356/34 IPC registered at PS Burari, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the 10 petitioners are the only accused and respondent No.2 the complainant/victim and respondent No.3 the other victim.

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Respondent No. 2 and 3 are present in Court and are identified by the Investigating Officer. They state that the matrimonial dispute between the respondent No.2 and petitioner No.1 has been sorted out before the Delhi Mediation Centre, Tis Hazari Courts on 7th June, 2016 by virtue of which both petitioner No.1 and respondent No.2 have agreed to get their marriage dissolved by mutual consent. Respondent No.2 states that statement for first motion for grant of divorce by mutual consent has been recorded between the petitioner No.1 and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony and the maintenance of minor child Suhani, the respondent No.2 is entitled to receive a sum of ₹37,50,000/- out of which she has already received a sum of ₹25,50,000/- and a further sum of ₹4 lakhs has been received by her today in Court by way of Cash Order No.279765' drawn on The Delhi State Co-operative Bank Ltd. She states that she is entitled to receive a further sum of ₹4 lakhs at the time of recording of the statement for second motion for divorce by mutual consent. She states that the minor daughter Suhani will remain in her care and custody and the petitioners will neither have the custody nor the visiting rights. Respondent No.2 and 3 state that they do not wish to pursue the above-noted 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 3 and state that they will abide by the terms of settlement arrived at before Delhi Mediation Centre, Tis Hazari Courts on 7th June, 2016 copy whereof is annexed at pages 49 to 51 of the paper-book.

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. 183/2016 under Sections 354/354B/323/356/34 IPC registered at PS Burari, 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 08, 2016
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