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

+ CRL.M.C. 4510/2016

SANDEEP KUMAR & ANR

..... Petitioner

Represented by: Ms. Francesca Kapur with Mr.
Varun Kapur, Advs. with P-1.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Hawa Singh, PS Madhu
Vihar.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.12.2016

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By the present petition, the petitioners seek quashing of FIR No.160/2011 under Sections 498A/406 IPC registered at PS Madhu Vihar on the complaint of respondent No.2 and proceedings pursuant thereto as the parties have settled the matter.

Learned APP for the State on instructions submits that in the above noted FIR the petitioners are the only accused and respondent No.2 the only complainant/victim.

Respondent No.2 who is present in Court and identified by the investigating officer states that she has settled the matter with the petitioners in terms of compromise deed dated 16th January, 2015 copy of which has been placed on record as Annexure P-2 at pages 41 to 50 of the paper book. In terms of the settlement, divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. In lieu of all her claims

regarding maintenance/istridhan/permanent alimony etc. respondent No.2 is entitled to receive ₹35 lakhs out of which she has already received ₹30 lakhs and balance amount of ₹5 lakhs has been received by her today in Court by way of demand draft No.020758 dated 22nd September, 2016 drawn on Axis Bank Ltd. Vejalpur, Ahmedabad, Gujarat. As regards maintenance of minor child Manya Kumar the petitioner has already handed over a sum of ₹25 lakhs to respondent No.2 which has been kept in a fixed deposit and interest thereon would be utilized on the maintenance of the minor child. Respondent No.2 states that she does not wish to pursue the above noted FIR and proceedings pursuant thereto and will abide by the terms of settlement arrived at between the parties on 16th January, 2015. Petitioner No.1 who is present in Court and identified by learned counsel affirm the statement of respondent No.2 and states that he will abide by the terms of settlement dated 16th January, 2015. Petitioner No.2 who is ailing has been exempted from appearing before this Court vide order dated 2nd December, 2016.

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.160/2011 under Sections 498A/406 IPC registered at PS Madhu Vihar, Delhi and proceedings pursuant thereto are hereby quashed. It is further directed that a sum of ₹5 lakhs deposited by

the petitioner pursuant to order dated 19th February, 2013 passed by this Court in Bail Appln. No.1238/2011 be released by the registry to petitioner No.1 along with interest accrued thereon.

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 16, 2016
‘v mittal’