

\$~52

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

+ **CRL.M.C. 3214/2016**

NEELABH TIWARI & ORS

..... Petitioner

Represented by: Mr. Harsh Ahuja, Mr. Kushal
Kumar, Advs.

versus

STATE OF NCT OF DELHI & ANR

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Asha CWC Nanakpura.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

05.09.2016

%

By the present petition, the Petitioners seek quashing of FIR No. 46/2013 under Sections 498A/406/34 IPC registered at PS Nanakpura, Delhi on the complaint of Respondent No.2 as the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that petitioner No.3 Urmila Tiwari has died as noted in the memo of parties and other three petitioners are the surviving accused in the above-noted FIR and the respondent No.2 the only complainant/ victim.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. She states that she has settled the matter with the petitioners. She states that divorce by mutual consent has already been granted between the petitioner No.1 and respondent No.2. In terms of the

CRL.M.C. 3214/2016

page 1 of 3

settlement respondent No.2 is entitled to receive a sum of ₹28.50 lakhs in lieu of her claim of maintenance, istridhan and alimony out of which she has already received a sum of ₹22 lakhs and the balance amount of ₹6,50,000/- has been received by her today in Court by way of demand draft No.'855062' drawn on SBI. She further states that the child baby Jaavi born from the wedlock would remain in the custody and care of respondent No.2 and the petitioners will have no visiting rights of the child. She states that she does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner No.3 has already passed away. Petitioner No.2 is unwell for which photocopy of the medical certificate has been placed on record and it is stated that petitioner No.4 is at Indore to look after petitioner No.2. Thus, petitioner No.2 and 4 are exempted from appearing before this Court. Petitioner No.1 who is present in Court for himself and on behalf of petitioner No.2 and 4 states that they will abide by the terms of the settlement arrived at between the parties recorded in HMA No.5862405/2016.

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. 46/2013 under Sections 498A/406/34 IPC registered at PS Nanakpura, 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.

SEPTEMBER 05, 2016
'ga'