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

+ **CRL.M.C. 3132/2016**

RAM NIWAS

..... Petitioner

Represented by: Mr. Prashant Borkar, Advocate
with petitioner in person.

versus

STATE & ANR.

..... Respondents

Represented by: Mr. Ravi Nayak, APP for the
State with ASI Jai Veer Singh,
PS Khajoori Khas.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

06.09.2016

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Crl. M.A. No.13436/2016 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 3132/2016

By the present petition the petitioner seeks quashing of FIR No. 130/2004 under Sections 498A/406/34 IPC registered at PS Khajoori Khas, Delhi on the complaint of Respondent No.2 on the ground that the parties have settled the matter.

Issue notice.

Learned APP accepts notice on behalf of the State. Learned APP on instructions from the Investigating Officer submits that the petitioner is the only accused for the reason the other accused have been discharged by the learned Trial Court and the respondent No.2 is the only complainant.

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The complainant/Respondent No. 2 Ms.Sumitra is present in Court and is identified by the Investigating Officer. She states that the Petitioner and Respondent No.2/Complainant have entered into a Compromise. In terms of the settlement marriage between the Petitioner 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 has paid a sum of ₹10 lakhs. Respondent No. 2 accepts receipt of payment of ₹10 lakhs in lieu of settlement of all her claims towards the petitioner and she will make no claim for her maintenance. She also states that the child Tarun Kumar @ Sonu born out of the wedlock of the petitioner and respondent No.2, would remain in the care and custody of respondent No.2 and the petitioner would not be entitled to claim the visiting rights. She further states that in view of the settlement between the parties, she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner, who is present in Court and is identified by the counsel affirms the statement of the respondent No.2 and states that he will abide by the terms of the settlement arrived at between the parties.

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. 130/2004 under Sections 498A/406/34 IPC registered at PS Khajoori Khas, 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 06, 2016
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