

\$~9

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

+ CRL.M.C. 4208/2016

SUKHBIR SINGH & ORS

..... Petitioner

Represented by: Mr. Rakesh Gupta, Adv. with
petitioners.

versus

STATE & ANR

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
with SI Jasmer Singh, PS
Jahangir Puri.
Mr. Akhilesh Kumar, Adv. for
R-2 with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.12.2016

%

By the present petition, the petitioners seek quashing of FIR No.573/2004 under Sections 498A/406/34 IPC registered at PS Jahangirpuri on the complaint of respondent No.2 and proceedings pursuant thereto on the ground that the parties have settled the matter.

Status report has been filed according to which besides the four petitioners, one Bachu Singh was also charge sheeted and charge for offence punishable under Sections 498A/34 IPC was framed him however he has since passed away. Thus, according to learned APP for the State, the four petitioners are the only accused and respondent No.2 the only complainant/victim.

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

with the petitioners. In terms of memorandum of understanding dated 27th May, 2014, divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. In lieu of all her claims regarding maintenance/permanent alimony/istridhan etc. respondent No.2 is entitled to receive ₹4 lakhs out of which she has already received ₹3 lakhs and remaining amount of ₹1 lakh has been received by her today in Court by way of Cheque No.421260 dated 10th November, 2016 drawn on Karnataka Bank Ltd. Sector 9, Rohini, Delhi. She further states that the minor child Rahul born out of the said wedlock would stay in her care and custody and petitioners will not have even visitation rights of the said child Rahul. She has now no claim whatsoever remaining against the petitioners qua herself and qua the maintenance of minor child Rahul till he attains the age of majority. She states that she does not wish to pursue the above noted FIR and proceedings pursuant thereto. The petitioners who are present in Court and identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of memorandum of understanding dated 27th May, 2014.

A perusal of clause 9 of Memorandum of Understanding dated 27th May, 2014 entered into between petitioner No.1 and respondent No.2 notes “minor Rahul shall not claim succession rights against the first party in future”. It is clarified that the said clause will not bind minor child Rahul as petitioner No.1 and respondent No.2 are not competent to enter into such a contract on behalf of minor child.

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.573/2004 under Sections 498A/406/34 IPC registered at PS Jahangirpuri, 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 14, 2016

‘v mittal’