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

+ **CRL.M.C. 3192/2016**

PRASHANT VIJAY

..... Petitioner

Represented by: Mr. Jatin Sehgal, Mr. Harish
Malik, Advs.

versus

STATE & ANR

..... Respondent

Represented by: Ms. Rajni Gupta, APP with
WSI Rita Bravo, PS Sarojini
Nagar, ASI Om Prakash PS
Hauz Khas.
Ms. Shobhna Takiar, Adv. for
R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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17.10.2016

By the present petition the petitioner seeks quashing of FIR No. 394/2010 under Sections 498A/406/34 IPC registered at PS Hauz Khas, Delhi on the complaint of Respondent No.2 on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that in the above-noted FIR though initially two accused were arrayed i.e. the petitioner and his mother however the charge-sheet was filed only against the petitioner and his mother was kept in column No.12 and has not been summoned by the Court concerned.

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Respondent No. 2 is present in Court and is identified by her counsel and the Investigating Officer. She states that she has settled the matter with the petitioner. In terms of the settlement the petitioner has agreed to pay a sum of ₹30 lakhs for which FDR has been got prepared in the name of petitioner on 9th May, 2016 and the petitioner would hand-over a demand draft for a sum of ₹30 lakhs and the interest that has accrued on the FDR from 9th May, 2016 on the day the statement for second motion for divorce by mutual consent is recorded by the learned family Court. She states that since the parties have settled the matter and the statement for first motion for divorce by mutual consent has already been recorded by the learned family Court she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioner who is present in Court and is identified by the learned counsel states that he will abide by the terms of the settlement arrived at between the parties which forms part of the order of the learned family Court after recording of statement of first motion copy whereof is enclosed from pages 58 to 62 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. 394/2010 under Sections 498A/406/34 IPC registered at PS Hauz 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.

OCTOBER 17, 2016
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