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

+ **CRL.M.C. 4308/2016**

KANISH KAPIL & ORS.

..... Petitioners

Represented by: Mr. Hans Raj Singh, Advocate
with petitioner Nos. 2 and 3 in
person.

versus

STATE GOVT. OF NCT OF DELHI & ANR. Respondents

Represented by: Mr. Ravi Nayak, APP for the
State with ASI Tej Ram, PS
Najafgarh.
Mr. Girishi Kumar, Advocate
for respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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18.11.2016

Crl. M.A. No. 17951/2016 (Delay in refiling)

For the reasons stated in the application 7 days delay in refiling the
petition is condoned.

Application is disposed of.

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By the present petition, the petitioner Nos. 2, 3 and 4, who are the
mother and two sisters of the deceased Kanish Kapil, who was also an
accused, seek quashing of FIR No. 555/2006 under Sections 406/498A/34
IPC registered at PS Najafgarh, Delhi on the complaint of Respondent No.2

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and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions submits that in the above noted FIR initially four accused were arrayed, that is, petitioner Nos. 2, 3 and 4 and Kanish Kapil, the petitioner No.1, who has since passed away on 28th December, 2015. He states that now besides the petitioner Nos. 2 to 4, there is no other accused and the respondent No. 2 is the only complainant/victim in the above noted FIR.

The complainant/Respondent No. 2 Ms. Manisha, who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioners before the Mediation Centre, Dwarka Courts on 5th April, 2014 copy whereof is at pages 24 to 26 of the paper-book. Marriage between the Petitioner No.1 and Respondent No.2/complainant was dissolved by a decree of divorce by mutual consent vide judgment dated 6th June, 2015. She further states that after the divorce between Kanish Kapil and respondent No.2, Kanish Kapil passed away on 28th December, 2015. In terms of the settlement she has already received a sum of ₹3.10 lakhs towards all her claims, that is, maintenance, streedhan and alimony etc. and two FDRs of ₹3.10 lakhs each in the name of two daughters Prerna and Parineeta born out of the wedlock on 30th August, 2003 and 9th August, 2005 and she has now no claim whatsoever remaining against the petitioner Nos. 2 to 4. She states that she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner Nos. 2 and 3 who are present in Court and are identified by
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the learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of the settlement arrived at between the Kanish Kapil and respondent No.2 before the Mediation Centre, Dwarka Courts on 5th April, 2014. Petitioner No.4 is exempted from appearing before the Court as she is presently residing at Kolkata.

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. 555/2006 under Sections 406/498A/34 IPC registered at PS Najafgarh, Delhi and proceedings pursuant thereto are hereby quashed qua petitioner Nos. 2 to 4 as proceedings qua petitioner No.1 already stand abated.

Petitioner Nos. 2 and 3 and the respondent No.2 have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 18, 2016/‘vn’