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

+ **CRL.M.C. 3522/2016**

VIPIN UNIYAL & ORS.

..... Petitioners

Represented by: Ms. Divya Malhotra, Advocate
with petitioner No.1 in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Represented by: Mr. Amit Ahlawat, APP for the
State with ASI Dharamvir
Singh, PS CWC, Nanak Pura.
Mr. Shrawan, Advocate for
respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.09.2016

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Crl. M.A. No. 14893/2016 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 121/2010 under Sections 498A/406/34 IPC registered at PS Crime (Women) Cell, Nanak Pura, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from the Investigating Officer submits that in the above noted FIR the three petitioners are the only

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accused and the respondent No.2 is the only complainant/victim.

The complainant/Respondent No. 2 Ms. Mamta who is present in Court and is identified by the learned counsel and Investigating Officer states that the Petitioners and Respondent No.2/Complainant have entered into a Compromise. In terms of the settlement marriage between the Petitioner No. 1 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 No. 1 has to pay a sum of ₹7 lakhs out of which ₹6 lakhs have already been paid to her and the balance amount of ₹1 lakh has been paid to her today in Court by way of Demand Draft bearing No. 901767 dated 6th September, 2016 drawn on Bank of Baroda, Dehradun. Respondent No. 2 accepts receipt of payment of ₹7 lakhs, in lieu of settlement of all her claims towards the petitioners and she will make no claim for her maintenance. 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.

Learned counsel for the petitioners submits that the petitioner Nos. 2 and 3, who are the parents of petitioner No.1, are not present in Court as petitioner No.2 is suffering from paralysis and not in a position to move and thus the petitioner No.3 is required to be by the side of petitioner No.2. Petitioner Nos. 2 and 3 are thus exempted from appearing before the Court. Petitioner No.1 who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and states that petitioners would abide by the terms of the settlement.

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. 121/2010 under Sections 498A/406/34 IPC registered at PS Crime (Women) Cell, Nanak Pura, 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 23, 2016

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