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

+ **CRL.M.C. 3742/2016**

HARI KISHAN @ KRISHAN KUMAR & ORS Petitioners

Represented by: Mr. Dilshad A Khan, Mr. Badri
Dass and Mr. Mukesh Kumar,
Advocates with petitioner in
person.

versus

STATE (GOVT OF NCT DELHI) & ANR Respondents

Represented by: Mr. Ashok K. Garg, APP for
the State with SI Jitender Joshi,
PS Aman Vihar.
Mr. Rohit Kumar, Advocate for
respondent No.2 with
respondent No. 2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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04.10.2016

Crl. M. A. No. 15644/2016 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 26/2011 under Sections 498A/406/34 IPC registered at PS Aman Vihar, 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 submits that in the above noted FIR the five petitioners are the only accused persons and the respondent No.2 is the

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only complainant/victim in the abovementioned FIR.

The complainant/Respondent No. 2 Ms. Mamta who is present in Court and is identified by the learned counsel states that the Petitioners and Respondent No.2/Complainant have settled the matter. 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 ₹6 lakhs out of which ₹5 lakhs have already been received by her and the balance amount of ₹1 lakh has been received by her today in Court by Demand Draft No.229439 dated 3rd October, 2016 drawn on Allahabad Bank, Palwal. Respondent No. 2 states that all claims in respect of maintenance, streedhan and alimony etc. stand satisfied. She further states that the child baby Himani, born out of the wedlock will stay in the care and custody of the respondent No.2 and the petitioners will not take her custody nor claim any visitation rights. She also states that till the child baby Himani reaches the age of majority, respondent No.2 will not claim any maintenance for the child. She states that in terms of the settlement and does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and state that they would abide by the terms of the Settlement.

It is however, clarified that one of the terms of settlement between the parties is that the respondent No.2 would not claim any maintenance on

behalf of the minor daughter namely Himani in any manner whatsoever. As noted above till baby Himani reaches majority respondent No. 2 will not claim any maintenance however, in case baby Himani on attaining the age of majority chooses to enforce some of her rights, neither the petitioners nor the respondent No.2 can forgo the same.

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. 26/2011 under Sections 498A/406/34 IPC registered at PS Aman Vihar, 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 04, 2016
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