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

+ CRL.M.C. 4184/2016

VIPIN CHAUDHARY & ORS

..... Petitioner

Represented by: Mr. Arun Gaur, Adv. with
petitioners.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Umesh, PS Gokurpuri.
Mr. N.K. Choudhary, Adv. for
R-2 with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

02.12.2016

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By the present petition, the petitioners seek quashing of FIR No.378/2011 under Sections 498A/406/34 IPC and 4 of Dowry Prohibition Act registered at PS Gokalpuri on the complaint of respondent No.2 and proceedings pursuant thereto as the parties have settled the matter.

Learned APP for the State on instructions submits that in the above noted FIR initially eight accused were arrayed out of which Rajpal Singh has since passed on 8th September, 2015 thus the seven petitioners are the only accused and respondent No.2 the only complainant/victim. Photocopy of the death certificate of Rajpal Singh has been kept on record.

Respondent No.2 who is present in Court and identified by learned counsel and the investigating officer submits that she has settled the matter with the petitioners before the Counselling Cell, Family Court, North East District and in terms thereof a settlement deed dated 4th December, 2016 has

been executed between the parties. She states that divorce by mutual consent has been granted between the parties. In terms of the settlement, respondent No.2 is entitled to received ₹11 lakhs in lieu of all her claims towards maintenance/istridhan/permanent alimony etc. and maintenance of Master Yash till he attains the age of majority out of which she has already received ₹8 lakhs and balance amount of ₹3 lakhs she has received today in Court (₹2.5 lakhs by way of demand draft No.502220 dated 22nd November, 2016 drawn on ICICI Bank, Connaught Place, New Delhi and ₹50,000/- in cash in new currency). She states that Master Yash will remain only in care and custody and the petitioners would have neither custody nor visitation right of Master Yash. She states that she does not wish to pursue the above noted FIR and the proceedings pursuant thereto. 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 settlement a copy of which has been annexed at pages 52 to 58 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.378/2011 under Sections 498A/406/34 IPC and 4 of Dowry Prohibition Act registered at PS Gokalpuri, 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 02, 2016

‘v mittal’