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

+ **CRL.M.C. 3909/2016**

SACHIN KUMAR & ORS

..... Petitioner

Represented by: Mr. Rakesh Kumar, Adv.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
SI Kali Charan, PS Ashok
Vihar.

Mr. Dewan Singh, Adv. for
R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.11.2016

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By the present petition the petitioners seek quashing of FIR No. 162/2010 under Sections 498A/406 IPC registered at PS Ashok 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 on instructions from Investigating Officer submits that though 9 petitioners were named in the FIR however charge-sheet has been filed only against petitioner No.1 keeping him in column No.1 and petitioners No.2 to 9 were kept in column No.12 and have not been summoned by the learned Trial Court. He further states that the respondent No.2 is the only complainant/ victim in the above-noted FIR.

CRL.M.C. 3909/2016

page 1 of 3

Respondent No. 2 is present in Court and is identified by the learned counsel. She states that she has settled the matter with the petitioners and in terms thereof divorce by mutual consent has been granted between the petitioner No.1 and respondent No.2. In full and final settlement of all her claims of istridhan, alimony and maintenance the respondent No.2 has received a sum of ₹1,10,000/- and a further sum of ₹55,000/- has been received by her today in Court by way of demand draft No.'745191' drawn on Punjab National Bank. She states that from the wedlock two children were born i.e. Master Nishant and baby Anjali. Master Nishant is staying in the custody of petitioner No.1 whereas baby Anjali is living in the custody and care of the respondent No.2. She states that she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioner No.1 who is present in Court and is identified by the learned counsel affirm the statement of respondent No.2 and states that he will abide by the terms of settlement arrived at between the parties which is duly recorded in the judgment of the learned Family Court dated 16th May, 2016.

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. 162/2010 under Sections 498A/406 IPC registered at PS Ashok Vihar, Delhi and proceedings pursuant thereto are hereby quashed qua all the petitioners.

Petitioner No.1 and respondent No.2 have signed the order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 09, 2016
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