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

+ **CRL.M.C. 3904/2016 & CrI.M.A. 16394/2016**

PRASHANT MANGLA & ORS

..... Petitioner

Represented by: **Mr. Sahil Munjal, Adv.**

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: **Mr. Ravi Nayak, APP with SI
Sunny Kumar PS Ram Bagh.
Mr. Ramesh Kumar, Ms. Anjali
Chopra, Advs. for R-2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

25.11.2016

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By the present petition the petitioners seek quashing of FIR No. 208/2013 under Sections 406/498A IPC registered at PS Rani Bagh, 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 in the above-noted FIR though three accused i.e. the three petitioners were arrayed, however charge-sheet was filed only against the petitioner No.1 and 2 and not against petitioner No.3 who was not even summoned by the learned Trial Court. Thus, the petitioner No.1 and 2 are

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the accused in the above-noted FIR and respondent No.2 the only complainant/ victim.

Learned counsel for the petitioner No.1 and 2 states that petitioner No.1 had to go out for a project and thus he has authorized Mr. Shailendra Garg. In his favour a Special Power of Attorney has been executed on 1st November, 2016 and the same is placed on record.

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 before the Delhi Mediation Centre, Rohini District Courts on 19th December, 2015. As per the settlement she has handed-over the vacant possession of first floor of property bearing No.D-689, Saraswati Vihar, Delhi to the petitioner No.1 and 2 and has withdrawn all cases filed by her. She further states that divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. Further in terms of the settlement the respondent No.2 is entitled to receive a sum of ₹12,50,000/- out of which she has already received a sum of ₹9 lakhs and the balance amount of ₹3,50,000/- has been paid to her today by way of Manager's Cheque No.'009083' drawn on HDFC Bank. She states that she has no claim whatsoever remaining against the petitioners and does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Mr. Shailendra Garg as a Special Power of Attorney holder of the petitioner No.1 and petitioner No.2 who are present in Court and are identified by the learned counsel state that petitioner No.1 and 2 would abide by the terms of settlement arrived at between the parties on 19th December, 2015 before the Delhi Mediation Centre, Rohini District Courts. There is no

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case pending on or behalf of the petitioners against the respondent No.2 or her family members and the respondent No.2 has handed-over the possession of first floor of the property bearing No.D-689, Saraswati Vihar, Delhi to petitioner No.1 and 2.

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. 208/2013 under Sections 406/498A IPC registered at PS Rani Bagh, 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 and application are disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 25, 2016

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