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

+ **CRL.M.C. 4220/2016**

ARVIND KUMAR & ORS

..... Petitioner

Represented by: Mr. Sunil Kumar, Mr. Pradeep
Kumar Sharma, Mr. Gaurav
Batnagar, Advs.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI
Dinesh Kumar PS New
Usmanpur.
R-2 in person.

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. 251/2009 under Sections 328/498A/34 IPC registered at PS New Usmanpur, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that in the above-noted FIR the three petitioners are the only accused and respondent No.2 the only complainant/ victim.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. She states that she has settled the matter with the

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petitioners in terms of the settlement deed dated 15th February, 2011 which was subsequently modified and it was agreed that a total sum of ₹4,75,000/- will be paid to the respondent No.2 in lieu of all her claims of maintenance, istridhan and alimony etc. She states that she has already received a sum of ₹3,25,000/- and the balance amount of ₹1,50,000/- has been paid to her in Court today by way of demand draft No.'611800'drawn on Corporation Bank. She states that the two children born out of the wedlock i.e. Puneet and Dimple will stay in the care and custody of petitioner No.1 and she will claim neither the guardianship nor the visiting rights of the said children. She states that in view of the settlement arrived at between the parties she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

The petitioner No.1 and 3 who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of settlement arrived at between the parties on 15th February, 2011. Petitioner No.2 was exempted from appearing before this Court as he is a handicapped vide order dated 11th November, 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. 251/2009 under Sections 328/498A/34 IPC registered at PS New Usmanpur, 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
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