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

+ **CRL.M.C. 4660/2016**

RAMESH JHA

..... Petitioner

Represented by: Mr. Chandrashekher Yadav and
Ms. Lajja Verma, Advocates
with petitioner in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR..... Respondents

Represented by: Ms. Meenakshi Chauhan, APP
for the State with SI Sanjogita,
PS Palam Village.
Mr. Suresh Bharti, Advocates
for respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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16.12.2016

Crl. M.A. No. 19436/2016 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioner seeks quashing of FIR No. 120/2010 under Sections 406/498A/34 IPC registered at PS Palam Village, 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 the Investigating Officer submits that in the above noted FIR the charge sheet was filed against three accused however, the brother and sister-in-law were kept in

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Column No.12 and have not been summoned by the learned Trial Court. Thus the petitioner is the only accused and the respondent No. 2 is the only complainant/victim in the above noted FIR.

The complainant/Respondent No. 2 Ms. Neelu Jha, who is present in Court and is identified by the learned counsel states that she has settled the matter with the petitioner before the Counsellor at the Family Court, Dwarka on 19th July, 2015, copy whereof is annexed at pages 34 to 36 of the paper-book. In terms of the settlement marriage between the Petitioner 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 has to pay a sum of ₹7 lakhs out of which ₹5 lakhs have already been received by her and the balance amount of ₹2 lakhs have been received by her today in Court by Demand Draft No.010861 dated 22nd November, 2016 drawn on IDBI Bank, Vijay Enclave, Palam Dabri Road, Delhi. Respondent No. 2 accepts the receipt of ₹7 lakhs. She states that the minor child baby Ankita born out of the wedlock of the petitioner and the respondent No.2 would remain in her care and custody and the petitioner neither has the custody nor the visiting rights. A sum of ₹4 lakhs have been deposited in a FD in the name of baby Ankita by the petitioner which respondent No.2 acknowledges having received and she has no claim whatsoever against the petitioner now. She states that in terms of the settlement and does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and state that he will abide by the terms of the settlement arrived at between the parties.

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. 120/2010 under Sections 406/498A/34 IPC registered at PS Palam Village, 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 16, 2016
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