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

+ **CRL.M.C. 4690/2016**

YASHPAL DHINGRA & ORS

..... Petitioners

Represented by: Mr. Munish Vohra and Mr.
Harsh Bir Kohli, Advocates
with petitioner Nos. 1, 2 4 and
5 in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Represented by: Ms. Rajni Gupta, APP for the
State with SI Kuldeep Kumar,
PS Mukherjee Nagar.
Mr. Murari Tiwari, Mr. Sagar
Vaish and Mr. Rahul Kumar,
Advocates for respondent No.2
with respondent No.2 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **16.12.2016**

Crl. M.A. No. 19540/2016 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 4690/2016

By the present petition the petitioners seek quashing of FIR No. 1326/2015 under Sections 406/498A/34 IPC registered at PS Mukherjee Nagar, 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

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Officer submits that in the above noted FIR the five petitioners are the only accused and the respondent No. 2 is the only complainant/victim.

The complainant/Respondent No. 2 Ms. Tarasha, who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioners before the Delhi High Court Mediation and Conciliation Centre on 15th December, 2015. Copy of the settlement agreement is annexed as Annexure P-2 to the present petition at pages 45-49. In terms of the settlement marriage between the Petitioner No.1 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 No. 1 has to pay a sum of ₹10 lakhs out of which ₹7.50 lakhs have already been received by her and the balance amount of ₹2.50 lakhs have been received by her today in Court by Demand Draft No.502649 dated 14th December, 2016 drawn on ICICI Bank, Pitampura, Delhi. Respondent No. 2 accepts the receipt of ₹10 lakhs and states that she has no claim whatsoever against the petitioners now. She states that in terms of the settlement and does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner Nos. 1, 2, 4 and 5 who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and states that they will abide by the terms of the settlement arrived at before the Delhi High Court Mediation and Conciliation on 15th December, 2015. The petitioner No.3 is unable to come to Court because of her health in respect of which medical certificate has been handed over which is taken

on record and she is thus exempted from appearing before this Court.

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. 1326/2015 under Sections 406/498A/34 IPC registered at PS Mukherjee Nagar, 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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