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

+ **CRL.M.C. 4811/2016**

SUNIL & ORS

..... Petitioners

Represented by: Mr. Vipin Rathi and Mr. K.K. Sharma, Advocates with petitioners in person.

versus

STATE (GOVT NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr. Ashok K. Garg, APP for the State with W/ASI Roshni Sharma, PS CWC, Nanak Pura. Mr. Sanjiv Rathi, Advocate for respondent No.2 with respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.12.2016

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Crl. M.A. No. 19998/2016 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 77/2011 under Sections 498A/406/34 IPC registered at PS Crime against Women Cell, Nanak Pura, 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 four petitioners are the only

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

The complainant/Respondent No. 2 Ms. Monika, 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 Mediation Centre, Kakardooma Courts on 14th January, 2016. Copy of the settlement is annexed as Annexure –D to the petition at pages 48-52. 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 ₹2 lakhs out of which ₹1.50 lakhs have already been received by her and the balance amount of ₹50,000/- have been received by her today in Court by Banker's Cheque No.003550 dated 9th December, 2016 drawn on The Nainital Bank Ltd., Patparganj, Delhi. Respondent No. 2 accepts the receipt of ₹4 lakhs and states that she has no claim whatsoever against the petitioners now. She further states that she will neither claim the custody nor the visiting rights of the minor child baby Anjali, born out of the wedlock of petitioner No.1 and respondent No.2, who will remain in care and custody of the petitioners and will abide by the terms of settlement arrived at between the parties. She states that in terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners 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 the settlement dated 14th January, 2016 arrived at between the parties before the Delhi Mediation Centre, Karkardooma Courts, Delhi.

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. 77/2011 under Sections 498A/406/34 IPC registered at PS Crime against Women Cell, Nanak Pura, 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 22, 2016/‘vn’