

\$~21

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

+ **CRL.M.C. 4756/2016**

NARAIN DUTT JOSHI & ORS

..... Petitioner

Represented by: Mr. Rajendra Kumar Tiwari,
Mr. Deva Mani Mishra, Advs.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondent

Represented by: Ms. Rajni Gupta, APP with
ASI Balbir Singh.
Mr. Suresh Kumar, Adv. for
R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.12.2016

%

By the present petition the petitioners seek quashing of FIR No. 27/2011 under Sections 406/498A/34 IPC registered at PS Madipur, 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 initially four accused were charge-sheeted and charge-sheet was filed qua all four of them, however charge has been framed for offence punishable under Section 406/498A/34 IPC only against two petitioners. She further states that the respondent No.2 is the only complainant/ victim in the above-noted FIR.

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 in

CRL.M.C. 4756/2016

page 1 of 3

terms whereof divorce by mutual consent has been granted between the petitioner No.1 and respondent No.2. Respondent No.2 is entitled to receive a total sum of ₹8 lakhs in lieu of all her claims of istridhan, maintenance, alimony etc., out of which she has already received ₹6 lakhs in the bank account of minor child Garima and the balance amount of ₹2 lakhs has also been received by her today in Court by way of two Bankers cheque No.'182915' and '988436' drawn on State Bank of India. She states that the minor child Garima born out of the wedlock will remain in her care and custody and the petitioners will have neither the custody nor the visiting rights. She further states that she has now no claim whatsoever remaining against the petitioners and does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and identified by the learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of settlement recorded by the learned Metropolitan Magistrate, Mahila Court-01, West, Tis Hazari Courts on 9th February, 2016 copy whereof is annexed at pages 47 to 49 of the paper book.

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. 27/2011 under Sections 406/498A/34 IPC registered at PS Madipur, 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 20, 2016
‘ga’