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

+ **CRL.M.C. 4870/2016**

DINESH KUMAR & ORS

..... Petitioner

Represented by: Mr. R.P. Kaushik, Adv.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Rahul Malik PS Sarai
Rohilla.

Mr. A.K. Mahor, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.12.2016

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CrI.M.A. 20188/2016

Exemption allowed subject to just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 339/2012 under Sections 498A/406/34 IPC registered at PS Sarai Rohilla, 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 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 learned counsel and the Investigating Officer. She states that she has settled the

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matter with the petitioners before the Delhi Mediation Centre, Tis Hazari Courts on 28th January, 2016. Pursuant to the settlement divorce by mutual consent has already been granted between the parties. In lieu of all her claims of maintenance, istridhan, alimony and maintenance of minor child Shreyansh the respondent No.2 is entitled to receive a sum of ₹15,50,000/- out of which she has already received a sum of ₹10,50,000/- and the balance amount of ₹5 lakhs has been handed over to her today in Court by way demand draft No.'133559' drawn on Punjab and Sind Bank. Master Shreyansh born from the wedlock will remain in her care and custody and the petitioners will though not have the custody but will have the visiting rights for the child as per the convenience and agreement between the parties. She states that she has now no claim whatsoever against the petitioners and does not wish to pursue the above-noted 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 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. 339/2012 under Sections 498A/406/34 IPC registered at PS Sarai Rohilla, 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 23, 2016
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