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

+ **CRL.M.C. 4836/2016**

VIKAS GULATI & ORS

..... Petitioners

Represented by: Mr. Vineet Mehta, Advocate
with petitioners in person.

versus

STATE (GNCT) DELHI & ANR

..... Respondents

Represented by: Mr. Ravi Nayak, APP for the
State with SI Ashok Kumar, PS
Patel Nagar (Pairvi Officer)
Mr. Narendra Gautam,
Advocate for respondent No.2
with respondent No.2 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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23.12.2016

Crl. M.A. No. 20097/2016 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 347/2009 under Sections 498A/406/34 IPC registered at PS Patel 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 Officer submits that in the above noted FIR the six 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. Mamta @ Nidhi, who is present in Court and is identified by the learned counsel states that she has settled the matter with the petitioners. 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 and the maintenance of the minor child Jhanvi , the Petitioner No.1 has to pay a sum of ₹17 lakhs out of which ₹12 lakhs have already been received by her and the balance amount of ₹5 lakhs have been received by her today in Court by way of Demand Drafts bearing Nos. 546556 dated 27th October, 2016 drawn on ICICI Bank, Connaught Place, Delhi and 890342 dated 19th November, 2016 drawn on Yes Bank Ltd., East Patel Nagar, Delhi. Respondent No. 2 accepts the receipt of ₹17 lakhs and states that she has no claim whatsoever against the petitioners now. She further states that minor child Jhanvi born out of the wedlock of the petitioner No. 1 and the respondent No.2 will remain in her care and custody and the petitioners will neither have the custody nor the visiting rights of the minor child. 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 as recorded in the statement of the petitioner at the time of grant of divorce by mutual consent.

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. 347/2009 under Sections 498A/406/34 IPC registered at PS Patel 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 23, 2016
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