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

+ **CRL.M.C. 41/2017**

KAPIL KAPOOR

..... Petitioner

Represented by: Ms. Gita Dhingra, Advocate.

versus

GOVT OF NCT OF DELHI & A NR.

..... Respondents

Represented by: Ms. Meenakshi Chauhan, APP
for the State with PSI Sanjay
Khatri, PS Uttam Nagar.
Mr. Ravinder K. Batra,
Advocate for respondent No.2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **09.01.2017**

Crl. M.A. 241/2017 (exemption)

Exemption allowed subject to just exceptions.

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1. By the present petition, the Petitioners seek quashing of FIR No. 386/2013 under Sections 498-A/406/34 IPC registered at PS Uttam Nagar, Delhi on the complaint of Respondent No.2 and the proceedings thereto on the ground that the parties have settled the matter.

2. Learned APP for the State on instructions from Investigating Officer states that in the above noted FIR, six accused were arrayed, however charge for the offences noted above has been framed only against the petitioner,

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thus, he is the only accused being tried in the above noted FIR and respondent No.2 is the only complainant.

3. Respondent Nos. 2 is present in Court and is identified by learned counsel. She states that she has settled the matter with the Petitioner. Statement in this regard were recorded before the learned Magistrate on 1st February, 2016, copy whereof is annexed at page 24 to 25 of the paper book. She states that divorce by mutual consent has been granted between the petitioner and respondent No.2. In lieu of all her claims, the respondent No.2 is entitled to receive a sum of ₹3,00,000/-, out of which, she has received a sum of ₹2,00,000/- and balance amount of ₹1,00,000/- has been paid through three demand drafts No.789996, 789997 & 789998 all dated 8th December, 2016 for a sum of ₹40,000/-, ₹20,000/- & ₹40,000/- respectively. She states that from the wedlock one child, namely, Naman was born who would remain in her custody and the petitioner shall neither have his custody nor visiting rights. She does not want to pursue the abovementioned FIR and the proceedings pursuant thereto. The petitioner, who is present in the Court and is identified by learned counsel, affirms the statement of respondent No.2 and states that he will abide by the settlement arrived at between the parties on 1st February, 2016.

4. 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.

6. Consequently, FIR No. 386/2013 under Sections 498-A/406/34 IPC registered at PS Uttam Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

7. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

8. The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 09, 2017

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