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

+ **CRL.M.C. 51/2017**

SIDDHARTHA JAIN & ORS.

..... Petitioners

Represented by: Mr. Moinuddin Khan,
Advocate with petitioners in
person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Represented by: Mr. Ashok K. Garg, APP for
the State with Inspector
Matadeen, PS Bharat Nagar.
Mr. J.S.Rawat, Advocate for
respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.01.2017

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By the present petition the petitioners seek quashing of FIR No. 296/2013 under Sections 498A/406 IPC registered at PS Bharat 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 initially four accused were arrayed in the above noted FIR however, father of the petitioner No.1 Shri Subhash Chand Jain has since passed away. Thus the three petitioners are the only accused and the respondent No. 2 is the only complainant/victim in the above noted FIR.

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The complainant/Respondent No. 2 Ms. Himanshi Jain, who is present in Court and is identified by the learned counsel states that she has settled the matter with the petitioners as per the Memorandum of Understanding dated 15th February, 2016. 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 ₹21 lakhs out of which she has already received a sum of ₹14 lakhs and the balance amount of ₹7 lakhs have been paid to her today in Court vide Manager's Cheque bearing No.205315 dated 6th January, 2017 drawn on HDFC Bank, Safdarjung Enclave, New Delhi. Respondent No.2 states that now she has no claims whatsoever remaining against the petitioners. 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 the respondent No. 2 and state that they will abide by the terms of the Memorandum of Understanding dated 15th February, 2016.

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. 296/2013 under Sections 498A/406 IPC registered at PS Bharat 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.

JANUARY 10, 2017
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