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

+ CRL.M.C. 108/2017

MUKESH & ORS

..... Petitioner

Represented by: Mr. Kamlesh Kumar Sharma,  
Adv. with petitioners.

versus

STATE (GOVT OF NCT OF DELHI) & ANR ..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP  
with SI Jitender Singh, PS Rani  
Bagh.  
Mr. Rajesh Vashisht, Adv. for  
R-2 with R-2.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**12.01.2017**

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By the present petition, the Petitioners seek quashing of FIR No. 194/2014 under Sections 498A/406/34 IPC registered at PS Rani Bagh, Delhi on the complaint of Respondent No.2 and proceedings pursuant thereto as the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer states that in the above noted FIR, the four Petitioners are the only accused and respondent No.2 the only complainant/victim.

Respondent No 2 who is present in Court and identified by learned counsel and the investigating officer states that she has settled the matter with the petitioners before the Delhi Mediation Centre, Rohini Court. Pursuant to the settlement, divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. In terms of settlement respondent No.2 is entitled to total sum of ₹2.40 lakhs out of which she has

already received first instalment of ₹70,000/- at the time of recording of statement for first motion in a petition under Section 13(B)(1) of Hindu Marriage Act and second instalment of ₹1 lakh at the time of recording of statement for second motion in a petition under Section 13(B)(2) of Hindu Marriage Act and balance amount of ₹70,000/- in cash has been received by her today in Court. She further states that two minor children Vishnu and Gagan will remain in her care and custody and petitioners will have no right of either visitation or custody of the two children. She does not wish to pursue the above noted FIR and proceedings pursuant thereto. The petitioners who are present in Court and identified by 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 before Delhi Mediation Centre on 1<sup>st</sup> December, 2015. Both the parties and learned counsels state that in the settlement/agreement dated 1<sup>st</sup> December, 2015 in clause 3 (i) and 3(ii) first instalment of ₹7 lakhs and second instalment of ₹1.10 lakh have been wrongly noted. In fact, first instalment of ₹70,000/- and second instalment of ₹1 lakh have already been paid.

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. 194/2014 under Sections 498A/406/34 IPC registered at PS Rani Bagh, 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 12, 2017**  
**‘v mittal’**