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

+ **CRL.M.C. 708/2017**

GAURAV DHINGRA & ORS.

..... Petitioner

Represented by: **Mr. N.L. Sahai, Adv.**

versus

STATE & ORS.

..... Respondent

Represented by: **Ms. Meenakshi Chauhan, APP
with SI Vandana PS Kirti
Nagar.**

**Ms. Jasbir Kaur, Mr. Manmeet
Singh, Mr. Kunal, Mr. Yash
Batra, Advs. for R-2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.02.2017

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Crl.M.A. 3006/2017

Exemption allowed subject to just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 107/2009 under Sections 406/498A/34 IPC registered at PS Kirti 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 Investigating Officer submits that in the above-noted FIR the five petitioners are the only accused and respondent No.2 the only complainant/ victim.

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Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that the matter was settled before the learned Principal Judge, Family Court, Tis Hazari on 31st May, 2016. Copy of the order is annexed at pages 59 to 60 of the paper book as Annexure B. Respondent No.2 states that pursuant to settlement divorce by mutual consent has been granted between the petitioner No.1 and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony etc., the petitioner has already deposited two FDRs for a sum of ₹5 lakhs and ₹10 lakhs respectively before the learned Principal Judge, Family Court which she would be entitled to receive on quashing of the above-noted FIR. She states that she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and will abide by the terms of settlement arrived at between the parties.

Petitioners No. 1 to 4 who are present in Court and 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 on 31st May, 2016 and have no objection if the two FDRs as noted above are released to the respondent No.2. Petitioner No.5 is not present in Court as no leave was granted to her. She is exempted from appearing before the Court.

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. 107/2009 under Sections 406/498A/34 IPC registered at PS Kirti Nagar, Delhi and proceedings pursuant thereto are hereby quashed. Learned Principal Judge, Family Court, Tis Hazari is directed to release the two FDRs for a sum of ₹5 lakhs and ₹10 lakhs each deposited with it at the time of recording of statements under Section 13(B)(1) and 13(B)(2) of the Hindu Marriage Act.

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

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 20, 2017
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