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

+ CRL.M.C. 630/2017

RAMESH & ANR.

..... Petitioner

Represented by: Mr. Avadh Kaushik with Mr.
Devashish Maharishi, Advs.
with petitioners.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Ravi Nayak, App with
Insp. Uma Datt, PS Mangol
Puri.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.02.2017

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CrI.M.A. 2700/2017

Exemption allowed, subject to all just exceptions.

CrI.M.C. 630/2017

1. By the present petition the petitioners seek quashing of FIR No. 40/2013 under Sections 498A/406 IPC registered at PS Mangolpuri, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned APP for the State on instructions submits that in the above-noted FIR there were three accused however Mrs. Ram Kanya, mother of petitioner No.1 and wife of petitioner No.2 has since passed away and thus the proceedings are pending only against the two petitioners and respondent No.2 is the only complainant/victim.

3. Respondent No. 2 who is present in Court and identified by the

Investigating Officer states that she has settled the matter with the petitioners before the learned Metropolitan Magistrate on 8th August, 2013 copy whereof is annexed at page 42 of the paper book. She states that in terms of settlement, divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. In lieu of all her claims regarding maintenance/istridhan/permanent alimony etc., respondent No.2 is entitled to receive ₹1.5 lakhs out of which she has already received ₹1 lakh and balance amount of ₹50,000/- has been paid to her in cash today. She states that as per the settlement, minor child Gungun would remain in the care and custody of the petitioner No.1 and she will not claim her custody. She does not wish to pursue the above noted FIR and the proceedings pursuant thereto. The petitioners who are present in Court and identified by the learned counsel affirm the statement of respondent No.2 and state that they would abide by the terms of settlement arrived at between the parties.

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.

5. Consequently, FIR No. 40/2013 under Sections 498A/406 IPC registered at PS Mangolpuri, Delhi and proceedings pursuant thereto are hereby quashed.

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

7. The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 15, 2017
'v mittal'