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

+ CRL.M.C. 903/2017 and CrI. M.A. NO. 3813/2017 (Stay)

DALIP KUMAR & ORS.

..... Petitioners

Represented by: Mr. R.V. Padhi, Advocate with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Represented by: Mr. Ravi Nayak, APP for the
State with SI Satyavir, PS Patel
Nagar.
Mr. Viveck Agarwal and Ms.
Roohi Bansal, Advocates for
respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
12.05.2017

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By the present petition the petitioners seek quashing of FIR No. 60/2012 under Sections 498A/406/34 IPC registered at PS Vijay Vihar, 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 and on the basis of the status report submits that in the above noted FIR the nine accused were arrayed, who were all charge sheeted however, out of the nine charge sheeted accused, five were discharged and the four petitioners who have been impleaded in the present petition are the only

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accused undergoing trial and the respondent No.2 the only complainant/victim.

The complainant/Respondent No. 2, who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioners before the Delhi Mediation Centre, Rohini Courts on 16th March, 2016, copy whereof is at pages 68-70 of the paper book. She states that in view of the settlement divorce by mutual consent has already been granted between the petitioner No.1 and the respondent No.2, all the cross cases between the parties have since been settled and there is no case pending besides the above noted FIR filed on behalf of the respondent No.2 or her family members against the petitioners. As full and final settlement of all the claims, that is, maintenance, streedhan and alimony etc. of the Respondent No. 2 and the maintenance of the two children, the Petitioner No.1 has to pay a sum of ₹6.90 lakhs out of which she has already received a sum of ₹4.60 lakhs and the balance amount of ₹2.30 lakhs has been paid today in court vide Manager's Cheque No.000460 dated 11th May, 2017 drawn on HDFC Bank, Delhi and the respondent No.2 now has no claims whatsoever remaining against the petitioners. She undertakes to abide by the terms of the settlement. She states that she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of the settlement arrived at between the parties before the Delhi Mediation Centre, Rohini Courts on 16th March, 2016. They further state

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that the petitioner No. 2 has since got quashed the summoning order pursuant to Complaint Case No. 3721/2012 titled as Ram Dulare Sharma vs. Rajender Sharma and others filed before the learned Chief Judicial Magistrate, Etah by filing a petition under Section 482 Cr.P.C. being Application No. 24463/2013 before the Allahabad High Court wherein the complaint and the proceedings thereto have been quashed vide order dated 18th April, 2017.

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. 60/2012 under Sections 498A/406/34 IPC registered at PS Vijay Vihar, Delhi and proceedings pursuant thereto are hereby quashed.

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

Petition and the application are disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 12, 2017/‘vn’