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

+ **CRL.M.C. 2501/2016**

ARVIND

..... Petitioner

Represented by: Mr. T.S. Upadhaya, Advocate
with petitioner in person.

versus

STATE & ORS

..... Respondents

Represented by: Ms. Rajni Gupta, APP for the
State with SI Dharmendra
Pratap Singh, PS Samaipur
Badli.
Mr. M. Subramaniam,
Advocate for respondent No.2
with respondent No.1 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

07.02.2017

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By the present petition the petitioner seeks quashing of FIR No. 1055/2014 under Sections 498A/34 IPC and Section 4 of the Dowry Prohibition Act, 1961 registered at PS Samaipur Badli, Delhi on the complaint of Respondent No.2 as pursuant to a settlement the petitioner had acted thereupon and the respondent No.2 had no objection to the quashing of the FIR.

Learned APP for the State on instructions from the Investigating Officer submits that in the above noted FIR though initially eight accused were arrayed however, in the charge sheet only the petitioner was kept in

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Column No.11 and rest of the accused were kept in Column No.12 but were not summoned by the learned Trial Court. Thus the petitioner is the only accused and the respondent No.2 is the only complainant/victim in the above noted FIR.

The complainant/Respondent No. 2 Ms. Neetu is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she had entered into a settlement with the petitioner vide settlement dated 19th February, 2012 pursuant where to petition for first motion for divorce by mutual consent was filed wherein the respondent No.2 got recorded her statement. When the statement for first motion for divorce by mutual consent was recorded, the respondent No.2 received the entire settlement amount, of ₹4.50 lakhs in respect of all her claims, that is, maintenance, streedhan and alimony. No further amount was due from the petitioners. She states that due to ill advice she did not cooperate in the filing of the joint petition for recording of the statement for section motion of divorce by mutual consent and on the petition filed by the petitioner, divorce under Section 13 (i) (a) of the Hindu Marriage Act was granted to the petitioner vide order dated 10th November, 2015. The judgement and decree dated 10th November, 2015 dissolving the marriage between the petitioner and respondent No.2 has not been challenged by the respondent No.2. She states that since she has received ₹4.50 lakhs in lieu of all her claims of maintenance, streedhan, alimony etc. she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto. She states that no claim whatsoever remaining against the petitioner.

Petitioner who is present in Court and is identified by the learned

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counsel affirms the statement of the respondent No. 2.

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. 1055/2014 under Sections 498A/34 IPC and Section 4 of the Dowry Prohibition Act, 1961 registered at PS Samaipur Badli, 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.

FEBRUARY 07, 2017

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