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

+ **CRL.M.C. 1817/2016**

DEEN DAYAL @ DEV KUMAR & ORS Petitioner
Represented by: Mr. Ashwani Kumar Sood,
Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent
Represented by: Ms. Meenakshi Chauhan, APP
with SI Ramesh Kumar PS
Sultan Puri.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
21.02.2017

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By the present petition the petitioners seek quashing of FIR No. 155/2004 under Sections 498A/406/34 IPC registered at PS Sultan Puri, 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 four petitioners are the only accused and respondent No.2 the only complainant/ victim.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. Respondent No.2 initially stated that though she had settled the matter with the petitioners before the mediation Centre on 9th September, 2011 she was not apprised that this was full and final settlement and she was informed that the trial in the above-noted FIR would continue.

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This Court then apprised of the fact to the respondent No.2 that she had made her statement thrice once before the Judge In-charge mediation centre, Rohini Courts and thereafter at the time of recording of statements for first motion under Section 13(B)(1) and second motion under Section 13(B)(2) Hindu Marriage Act, however nowhere protest was lodged that she was entitled to receive further sum and she was not agreeable to the quashing of the FIR in question. Today again the respondent No.2 has been given option whether she would like to continue with the trial in which case she will have to restore the petitioners to status-quo ante in terms of the settlement or she wants to settle the matter. Respondent No.2 who is present with her father and is identified by the investigating officer has thought over the matter and states that she is agreeable to quashing of the FIR in terms of the settlement arrived at between the parties on 9th September, 2011 before the Judge Incharge, Mediation Centre, Rohini Courts. This Court has ascertained from the respondent No.2 that the statement now being made is of her own free will and volition. Respondent No.2 states that she has settled the matter with the petitioners which terms are also recorded in the joint statement for second motion for divorce under Section 13(B)(2) of the Hindu Marriage Act on 3rd November, 2014. In lieu of all her claims the respondent No.2 was entitled to receive a sum of ₹50,000/- out of which she has already received a sum of ₹35,000/- and the balance amount of ₹15,000/- has been received by her today in Court in cash. She states that she has now no claim whatsoever remaining against the petitioners. She further states that the minor child Ritik born out of the wedlock of the petitioner No.1 and respondent No.2 will live in her care and custody and the petitioners will

have neither the custody nor the visiting rights. The respondent No.2 states that she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

The petitioners who are present in Court and are identified by the learned counsel state that they will abide by the terms of settlement recorded between the parties on 9th September, 2011 before the Mediation Centre, Rohini Courts.

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. 155/2004 under Sections 498A/406/34 IPC registered at PS Sultan Puri, 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 21, 2017
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