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

+ **CRL.M.C. 1278/2017**

LAKHAN & ORS

..... Petitioner

Represented by: Mr. Nitin Arora, Adv.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI
Mohinder Kumar PS Sultan
Puri.

Mr. Beer Singh Negi, Mr.
Satendra Singh, Mr. B.K.
Poddar, Mr. Ranvijay Singh
Chandel, Advs. for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.03.2017

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By the present petition the petitioners seek quashing of FIR No. 866/2015 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 though in the FIR four accused were arrayed, however charge-sheet was filed only against the three petitioners and the fourth Shankar Lal the brother of petitioner No.1 was kept in column No.12 and not summoned

CRL.M.C. 1278/2017

page 1 of 3

by the Trial Court. Thus three petitioners are the only accused and the respondent No.2 the only complainant/ victim.

Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she has settled the matter with the petitioners before the Delhi Mediation Centre, Rohini District Courts on 3rd February, 2016 pursuant where to 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., respondent No.2 was entitled to receive a sum of ₹4,30,000/- out of which she has already received ₹3 lakhs and the balance amount of ₹1,30,000/- has been received by her today in Court by way of bankers cheque No. '538846' drawn on State Bank of India. She states that the minor daughter Cherry born from the wedlock will remain in her care and custody and the petitioners would neither have her custody nor the visiting rights. She further states that she will abide by the terms of settlement arrived at between the parties before the Delhi Mediation Centre, Rohini District Courts on 3rd February, 2016 and does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are 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 3rd February, 2016 before the Mediation Centre, Rohini District 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. 866/2015 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.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 28, 2017
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