

\$~22

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

+ **CRL.M.C. 1401/2017**

KULDEEP & ORS

..... Petitioner

Represented by: Mr. Rohit Kumar, Mr. S.
Kataria, Mr. Harsh Sharma,
Advts.

versus

STATE (GOVT OF NCT DELHI) & ANR

..... Respondent

Represented by: Mr. Ashok Kr. Garg, APP with
SI Somina PS Kanjhawala.
Mr. Sunil Tomar, Adv. for R-2.
Mr. Sunil Parashar, Adv. for
R-3&4.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.05.2017

%

By the present petition the petitioners & respondent No.3 & 4 seek quashing of FIR No. 288/2012 under Sections 498A/406/34 IPC registered at PS Kanjhawala, 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 five petitioners, respondent No.3 and 4 are the seven accused and respondent No.2 the only complainant/victim.

CRL.M.C. 1401/2017

page 1 of 3

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 vide the memorandum of understanding dated 19th July, 2016 copy whereof is annexed as Annexure C from pages 62 to 65 of the paper book and pursuant whereunto 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., the respondent No.2 has already received a sum of ₹5 lakhs and the balance amount of ₹2 lakhs has been received by her today in Court by way of demand draft No. '080724' dated 27th March, 2017 drawn on State Bank of Patiala. She states that minor child Anshuman born from the wedlock will remain in her care and custody and the petitioners would neither have his custody nor the visiting rights. She states that she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and would abide by the terms of settlement arrived at between the parties.

The petitioners and respondent No.3 & 4 who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2. They further undertake to abide by the terms of settlement arrived at between the parties vide memorandum of settlement dated 19th July, 2016. They further state that as per Clause 2 of the settlement the respondent No.2 would not be entitled to claim any maintenance or any share in the movable or immovable property of the petitioners on behalf of the child or on behalf of herself. However, the same does not curtail the rights of the child on his attaining the majority which are vested in him by process of law.

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. 288/2012 under Sections 498A/406/34 IPC registered at PS Kanjhawala, 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.

MAY 11, 2017
‘ga’