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

+ **CRL.M.C. 2131/2016**

RAJESH KUMAR & ORS

..... Petitioners

Represented by: Mr. Neeraj Dhaiya, Advocate
with petitioners in person.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Ms. Aasha Tiwari, APP for the
State with ASI Tej Ram PS
Najafgarh
Mr. Yashwant Gahlot,
Advocate for Respondent No.2
with respondent No.2 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.04.2017

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By the present petition, the petitioners seek quashing of FIR No.285/2012 under Sections 498A/406/34 IPC registered at PS Najafgarh on the complaint of respondent no.2 and proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions 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 the Court and is identified by the learned counsel and the Investigating Officer. She states that she has settled

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the matter with the petitioners vide Memorandum of Understanding dated 17th October, 2015, copy whereof has been placed on record at pages 32 to 34 of the paper book. She states that two daughters born out of the wedlock are residing with her and are now major. She further states that she does not wish to take divorce from the petitioner No.1 and would live separately from him along with her two daughters and will abide by the terms of settlement arrived at between the parties. She states that she does not want to pursue the above noted FIR and proceedings pursuant thereto.

Petitioners, who are present in the Court and are identified by the learned counsel, affirm the statement of the respondent No.2. Petitioner No.1 states that he had filed a petition seeking divorce from respondent No.2 on the ground of cruelty and desertion which he withdrew on 24th November, 2014 after settlement between the parties. He also states that no case except the present FIR is pending inter-se the parties and he has not filed any other divorce petition against respondent No.2. The petitioners further state that they will abide by the terms of settlement arrived at between the parties vide Memorandum of Understanding dated 17th October, 2015 as noted above.

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.285/2012 under Sections 498A/406/34 IPC registered at PS Najafgarh, 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.

APRIL 12, 2017
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