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

+ **CRL.M.C. 1521/2017**

HIRA LAL CHOUDHRY & ORS

..... Petitioners

Represented by: Mr. R.D. Sawhney and Mr.
Mayank Sawhney, Advocates
with petitioners in person.

versus

STATE & ANR

..... Respondents

Represented by: Mr. Amit Ahlawat, APP for the
State with SI Gajendra Singh,
PS CWC Nanak Pura.
Mr. Pardeep Mahajan,
Advocate for respondent No.2
with respondent No. 2 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.04.2017

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Issue notice.

Learned APP accepts notice on behalf of the State.

Learned APP for the State submits that in the FIR in question besides the three petitioners, four other accused were arrayed.

Learned counsel for the petitioner submits that the father of petitioner No.1 Shri Narayan Dass Choudhry has since passed away and the other three accused have been discharged. Learned counsel for the petitioners points out towards the order dated 17th October, 2012 passed by the learned Metropolitan Magistrate directing framing of charge for offences punishable

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under Sections 498A/406 IPC against Hira Lal Choudhry and Jyoti Choudhry and for offence punishable under Section 498A only against Jitender Kumar Choudhry. From the order on charge it is evident that the three petitioners are the only accused undergoing the trial and the respondent No.2 the only complainant/victim.

By the present petition the petitioners seek quashing of FIR No. 148/2009 under Sections 498A/406/34 IPC registered at PS Crime (Women) Cell, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

The complainant/Respondent No. 2, who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioners before the Delhi Mediation Centre, Rohini District Court on 11th March, 2016. In terms of the settlement marriage between the Petitioner No.1 and Respondent No.2/complainant has been dissolved by a decree of divorce by mutual consent. As full and final settlement of all the claims, that is, maintenance, streedhan and alimony etc. of the Respondent No. 2, the Petitioner No.1 has paid a sum of ₹6.10 lakhs to the respondent No.2. Respondent No.2 states that now she has no claim whatsoever remaining against the petitioners. She also states she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto and will abide by the terms of the settlement dated 11th March, 2016 arrived at between the parties.

Petitioners who are present in Court and are identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of the settlement dated 11th March, 2016 arrived at

between the parties before the Delhi 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. 148/2009 under Sections 498A/406/34 IPC registered at PS Crime (Women) Cell, 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.

APRIL 18, 2017

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