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

+ **CRL.M.C. 3060/2016**

SARVENDER CHAUHAN & ORS. Petitioner

Represented by: **Mr. Maruf Khan, Adv.**

versus

STATE & ANR. Respondent

Represented by: **Mr. Hirein Sharma, APP with
SI Gajendra Singh PS CWC,
Nanakpura.
R-2 in person.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.04.2017

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By the present petition the petitioners seek quashing of FIR No. 131/2014 under Sections 498A/406/34 IPC registered at PS CWC Nanakpura, 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 three 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. She states that she has settled the matter with the petitioners at the Counselling Cell of the Saket Complex, South District on 11th December, 2015. As per the settlement divorce by mutual consent has

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been granted between the petitioner No.1 and respondent No.2. Respondent No.2 has not claimed any maintenance, istridhan, alimony, etc. She further states that at present the custody of the minor child Khushi is with the petitioner No.1 and she has right to visit Khushi twice a month at Ambala where she resides with the petitioner No.1. However this interim arrangement is to continue till the disposal of the guardianship petition which is pending before the Court of Ambala. Thus, subject to the final outcome of the custody petition the interim arrangement between the parties would continue. She states that she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and will abide by the terms of settlement arrived at between the parties before the Counselling Cell on 11th December, 2015 copy whereof is annexed as Annexure P-3 at pages 26 to 28 of the paper book.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and also undertake to abide by the terms of settlement arrived at between the parties at the Counselling Cell on 11th December, 2015. Petitioners further state that they will also abide by the final outcome of the custody petition filed before the guardianship Court at Ambala or any other proceeding in that regard before any superior Court and till the time any order is being passed by a Court of competent jurisdiction the interim arrangement as per the settlement dated 11th December, 2015 for the custody of the minor child Khushi would continue between the parties. The petitioners would also permit the respondent No.2 to meet the minor child Khushi twice a month as per the convenience of the parties and the minor child.

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. 131/2014 under Sections 498A/406/34 IPC registered at PS CWC Nanakpura, 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 28, 2017
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