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

+ **CRL.M.C. 1750/2017**

KAMAL KISHORE & ORS

..... Petitioner

Represented by: Mr. S.S. Bhatia, Adv.

versus

STATE AND ANOTHER

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
SI Khajan Singh PS Paharganj.
Mr. Indramani, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
12.05.2017

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By the present petition the petitioners seek quashing of FIR No. 424/2014 under Sections 498A/406/34 IPC registered at PS Pahar Ganj, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

On the last date learned APP for the State submitted that though in the present petition five accused were arrayed as petitioners, however two more persons were arrayed as accused in the FIR. Thus he sought time for filing the status report which was granted. A status report has been filed as per which though seven accused were named in the FIR, five of them i.e. the five petitioners herein were kept in column No.11 and two accused i.e.

CRL.M.C. 1750/2017

page 1 of 3

Jaimala and Arti the two sisters-in-law were kept in column No.12. The status report is silent as to whether the learned Trial Court took cognizance of the offences against Jaimala and Arti. Despite having been given opportunity to the State the facts are not being clarified. Thus this Court has no option but to rely upon the statement of the learned counsel for the petitioner who states that no cognizance was taken against Jaimala and Arti and the five petitioners are the only accused facing trial.

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, Patiala House Courts on 22nd March, 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., the respondent No.2 is entitled to receive a sum of ₹4,20,000/- out of which she has already received a sum of ₹1,80,000/- and the balance amount has also been received by her today in the form of a draft bearing No. '298077' dated 6th March, 2017 for a sum of ₹90,000/- drawn on State Bank of Bikaner and Jaipur and an FDR in the name of minor child Ms. Vani Riyar for a sum of ₹1,50,000/- SI.No. KF907949 drawn on Canara Bank. She states that she has now no claim whatsoever remaining against the petitioners and the minor child Ms. Vani will remain in her care and custody and the petitioners would neither have the custody nor the visiting rights of the minor child. 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.

The petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties on 22nd March, 2016 before the Delhi Mediation Centre copy whereof is annexed as Annexure B to the present petition from pages 31 to 35.

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. 424/2014 under Sections 498A/406/34 IPC registered at PS Pahar Ganj, 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 12, 2017
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