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

+ W.P.(CRL) 1337/2017 and Crl. M.A. No. 7405/2017 (Stay)

LALIT & ORS

..... Petitioners

Represented by: Mr. Sudhir Tewatia and Mr.
R.K. Solanki, Advocates with
petitioner Nos. 1, 3, 4, 7 and 8
in person.

versus

STATE & ANR

..... Respondents

Represented by: Ms. Kamna Vohra, Additional
Standing Counsel for the State
with SI Yamuna Prasad,
Khajoori Khas.
Respondent Nos. 2 and 3 and
Mr. Nirmal Kumar in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.11.2017

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1. By the present petition the petitioners seek quashing of FIR No. 636/2013 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961 registered at PS Khajuri Khas, Delhi on the complaint of Sushma @ Devika and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Status report has been filed by the State as per which pending investigation petitioner No.1 Lalit, husband of Sushma@ Devika handed over a draft of ₹1.50 lakhs to the Investigating Officer, which was then handed over to Nirmal Kumar, brother of Sushma @ Devika at the time of

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grant of anticipatory bail. Learned Additional Standing Counsel for the State on instructions from the Investigating Officer submits that during the pendency of investigation Ms. Sushma @ Devika has passed away while residing at her parental home on 9th September, 2015. Copy of the death certificate of Ms. Sushma @ Devika has been handed over in Court and is taken on record. After the death of Sushma @ Devika a settlement has been arrived at between Lalit, petitioner No.1 and parents of Sushma @ Devika in the guardianship petition filed by petitioner No.1 claiming the custody of the minor child Devyanshi, born out of the wedlock of Lalit and Sushma @ Devika. Vide order dated 4th November, 2016 recording the compromise between the parties, learned Principal Judge, North West, Family Courts, Rohini granted the custody of the minor child Devyanshi to Lalit with the visiting/meeting rights to the family members of Sushma @ Devika. Since Sushma @ Devika has since passed away, parents of Sushma @ Devika have settled the matter with the petitioners and do not wish to pursue the above noted FIR.

3. In the present petition initially only the father of Sushma @ Devika, that is, Balraj Gautam was impleaded as respondent No.2 however, learned counsel for the petitioners has handed over an amended memo of parties impleading Smt. Sheela Devi, mother of Sushma @ Devika as respondent No. 3. Amended memo of parties is taken on record.

4. Learned Additional Standing Counsel for the State on instructions further submits that in the above noted FIR eight petitioners were the only accused and Sushma @ Devika was the only complainant/victim.

5. Respondent Nos. 2 and 3, that is, Balraj Gautam and Sheela Devi, parents of deceased Sushma @ Devika, besides Nirmal Kumar, brother of Sushma @ Devika are present in Court and are identified by the Investigating Officer. They state they have settled the matter with the petitioners and do not want to pursue the abovementioned FIR and the proceedings pursuant thereto. They further state that they will abide by the terms of the settlement arrived at between the parties before the learned Principal Judge, Family Courts, North West District, Rohini on 4th November, 2016, copy whereof is annexed as Anenxure-P3 to the present petition.

6. Petitioners, except petitioner Nos. 2, 5 and 6 are present in Court and are identified by learned counsel. Learned counsel for the petitioners states that the petitioner No.2 Ganga Ram has been discharged from the hospital yesterday itself and thus not in a position to come to Court. Copies of the medical reports of the petitioner No.2 have been handed over and taken on record. He further states that petitioner Nos. 5 and 6 are looking after the petitioner No. 2 at home and thus could not appear today. Consequently, the petitioner Nos. 2, 5 and 6 are exempted from appearing before the Court today. Petitioner Nos. 1, 3, 4, 6 and 8 affirm the statement of respondent Nos.2 and 3 and state that they will abide by the terms of the settlement arrived at between the parties.

7. 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.

8. Consequently, FIR No. 636/2013 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961 registered at PS Khajuri Khas, Delhi and proceedings pursuant thereto are hereby quashed.

9. Petitioner Nos. 1, 3, 4, 7 and 8, respondent Nos. 2 and 3 and Nirmal Kumar, brother of Sushma @ Devika have signed this order sheet in acknowledgment of their statements made before this Court.

10. Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 22, 2017

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