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

+ **CRL.M.C. 1896/2017**

MUKESH KUMAR & ORS

..... Petitioners

Represented by: Mr. Anuj Jain, Advocate with
petitioners in person.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Represented by: Mr. Amit Ahlawat, APP for the
State with Inspector Sharat
Chandra, SHO, Nihal Vihar.
Ms. Anit Sharma, Advocate for
respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
09.05.2017

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By the present petition the petitioners seek quashing of FIR No. 393/2005 under Sections 498A/406/34 IPC registered at PS Tilak Nagar, 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 the Investigating Officer submits that in the above noted FIR besides the five petitioners two more accused were arrayed i.e. Ramesh Sehgal and Pawan Sehgal who were discharged by the learned Trial Court vide order dated 21st March, 2015. He states that the five petitioners arrayed in the memo of parties are the only accused facing trial and the respondent No.2 the only complainant/victim.

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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, Tis Hazari Court on 9th October, 2015, copy whereof is annexed as Annexure–C at pages 23-28 of the paper book. She states that in view of the settlement divorce by mutual consent has already been granted between the petitioner No.1 and the respondent No.2. 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 to pay a sum of ₹3 lakhs out of which she has already received a sum of ₹2 lakhs and the balance amount of ₹1 lakhs has been paid today in court vide Demand Draft No.453109 dated 6th May, 2017 drawn on State Bank of India and the respondent No.2 now has no claims whatsoever remaining against the petitioners. She states that the minor child Kalash born out of the wedlock of petitioner No.1 and the respondent No.2 will remain in the care and custody of respondent No.2 and the petitioners will neither have the custody nor the visitation rights of the children. She undertakes to abide by the terms of the settlement. She states that she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of the settlement arrived at between the parties before the Delhi Mediation Centre, Tis Hazari Courts on 9th October, 2015.

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. 393/2005 under Sections 498A/406/34 IPC registered at PS Tilak Nagar, 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.

MAY 09, 2017

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