

26# \$~

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

+ **CRL.M.C. 1820/2017**

NITESH RAWAT & ORS

..... Petitioners

Represented by: Mr. Moksh Pasrija, Advocate
with petitioner Nos. 1 and 2 in
person.

versus

STATE & ANR.

..... Respondents

Represented by: Mr. Ravi Nayak, APP for the
State with SI Begraj, PS CAW.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

09.05.2017

Crl. M.A. No. 7768/2017 (Exemption from personal appearance)

By this application the petitioner No.2 seeks exemption from personal appearance on the ground that he had suffered a paralytic attack and is under constant medication.

Considering the ailment, the petitioner No.3 is exempted from appearing before the Court.

Application is disposed of.

CRL.M.C. 1820/2017

By the present petition the petitioners seeks quashing of FIR No. 86/2011 under Sections 498A/406/34 IPC registered at PS Crime Women Cell, Nanakpura, Delhi on the complaint of Respondent No.2 and the

CRL.M.C. 1820/2017

Page 1 of 3

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 the three petitioners are the only accused and the respondent No.2 the only complainant/victim.

The complainant/Respondent No. 2, who is present in Court and is identified by the Investigating Officer states that she has settled the matter with the petitioners before the Delhi High Court Mediation and Conciliation Centre on 21st April, 2017 copy whereof is at pages 24-29 of the paper book. She states that in view of the settlement the statement for first motion for divorce by mutual consent has been recorded 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 ₹9.50 lakhs out of which she has already received a sum of ₹8 lakhs and the balance amount of ₹1.50 lakhs will be received by her at the time of recoding of the statement for second motion for divorce by mutual consent. She states that she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto and will abide by the terms of the settlement arrived at between the parties.

Petitioner Nos. 1 and 2 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 arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre on 21st April, 2017.

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. 86/2011 under Sections 498A/406/34 IPC registered at PS Crime Women Cell, Nanakpura, Delhi and proceedings pursuant thereto are hereby quashed.

Parties, except petitioner No. 3 who has been exempted from appearing before this Court, 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
‘vn’