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

+ **CRL.M.C. 1857/2017**

DEEPAK JAIN & ORS

..... Petitioner

Represented by: Mr. Pratap Singh and Mr. B.L. Sharma, Advs. with petitioners.

versus

STATE (NCT OF DELHI) & ORS

..... Respondent

Represented by: Ms. Aashaa Tiwari, APP with SI Ranvir Singh, PS Burari.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.05.2017

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Crl.M.A. 7593/2017

Exemption allowed, subject to all just exceptions.

Crl.M.C. 1857/2017

1. By the present petition, the Petitioners seek quashing of FIR No. 1391/2015 under Sections 498A/406/34 IPC registered at PS Burari, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that parties have settled the matter.
2. Learned APP for the State on instructions states that in the above noted FIR, the three petitioners are the only accused and respondent No.2 the only complainant/victim.
3. Respondent No. 2 is present in Court and identified by the Investigating Officer. She states that she has settled the matter with the petitioners before Delhi Mediation Centre, Tis Hazari Courts on 16th November, 2016 copy whereof has been annexed at pages 53 to 55 of the

paper book. Pursuant to the settlement, statement for the first motion for divorce by mutual consent has been recorded on 30th January, 2017. In lieu of all her claims towards maintenance/istridhan/permanent alimony etc. respondent No.2 is entitled to receive a total sum of ₹7 lakhs out of which she has already received a sum of ₹2 lakhs at the time of recording statement for first motion for divorce by mutual consent. A sum of ₹3 lakhs has been paid to her today in Court by way of two bank drafts of ₹1.5 lakhs each bearing Nos. 062386 and 062387 both dated 6th May, 2017. The balance amount of ₹2 lakhs will be paid to her at the time of recording of statement of the second motion for divorce by mutual consent. She states that the other proceedings between the parties as noted in the order dated 16th November, 2016 have been quashed or withdrawn and she does not wish to pursue the above noted FIR and the proceedings pursuant thereto. She further states that she will abide by the terms of the settlement arrived at between the parties. The petitioners who are present in Court and identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of settlement dated 16th November, 2016 arrived at between the parties.

4. 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.

5. Consequently, FIR No. 1391/2015 under Sections 498A/406/34 IPC

registered at PS Burari, Delhi and proceedings pursuant thereto are hereby quashed.

6. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

7. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 08, 2017
‘v mittal’