

\$~5

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

+ CRL.M.C. 4567/2016

SANDEEP KUMAR SHARMA & ORS Petitioner

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

versus

STATE & ANR

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
SI Chetan PS EOW.
Mr. Parvinder Singh, Adv. for
R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **13.01.2017**

CrI.M.As. 19104/2016 & 733/2017

Exemptions allowed subject to just exceptions.

CrI.M.As. 19100-103/2016

Learned counsel for the petitioner seeks leave to withdraw the applications for exemption from appearance of petitioner No.4,6,7&9. Leave granted.

Applications are dismissed as withdrawn.

CrI.M.A. 734/2017

This is an application for seeking exemption from personal appearance of petitioner No.7 on the ground that he is bed ridden due to paralysis. Petitioner No.7 is exempted from appearing before the Court.

Application is disposed of.

CRL.M.C. 4567/2016

page 1 of 3

CRL.M.C. 4567/2016

By the present petition the petitioners seek quashing of FIR No. 139/2013 under Sections 498A/406/34 IPC registered at PS Sagar Pur, 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 Investigating Officer submits that initially 10 accused were arrayed in the FIR and charge-sheet was filed qua all the 10 accused, however Jagdish Sharma was not summoned as an accused. Thus, 9 petitioners are the only accused and respondent No.2 the only complainant/ victim.

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 and terms of settlement are recorded in the judgment granting divorce to the petitioner on pages 217 to 220 of the paper book. In lieu of all her claims of maintenance, istridhan & alimony the respondent No.2 is entitled to receive a sum of ₹7 lakhs out of which she has already received ₹4 lakhs and the balance amount of ₹3 lakhs has been handed over to her today in Court by way of demand draft No.'515938'drawn on Corporation Bank. She states that she does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners No.1 to 6 and 8 to 9 who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of settlement. As noted above, petitioner No.7 is exempted from appearing before the Court.

CRL.M.C. 4567/2016

page 2 of 3

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. 139/2013 under Sections 498A/406/34 IPC registered at PS Sagar Pur, 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.

JANUARY 13, 2017
‘ga’