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

+ **CRL.M.C. 8/2017**

NIKHIL KUMAR

..... Petitioner

Represented by: Ms. Jyotsana Gupta and Mr.
Arun Sharma, Advocates with
petitioner in person.

versus

STATE & ORS.

..... Respondents

Represented by: Ms. Rajni Gupta, APP for the
State with ASI Davender, PS
Dabri.
Mr. Dinesh Kumar, Advocate
for the respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

03.01.2017

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Crl. M.A. No. 33/2017 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioner seeks quashing of FIR No. 598/2015 under Sections 308 IPC registered at PS Dabri, 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 in the above-noted FIR the petitioner is the only accused and the respondent No.2 is the only complainant/ victim.

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Respondent No. 2 Smt. Sonu is present in Court and is identified by the learned counsel. She states that her husband used to assault her in drunken condition and on the incident dated 10th May, 2015 when he injured her with an iron chair, she lodged the above noted FIR. After the FIR was lodged parties have entered into a settlement vide memorandum of understanding dated 19th December, 2016 from which date the parties, along with their minor child are living together. Respondent No.2 states that after the respondent No.2 has started living with petitioner again there is no misbehaviour and he has assured that he will not give any cause of grievance to respondent No.2. Thus she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

The petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and tendering his unqualified apology for his past behaviour assures that no such misbehaviour will take place in future.

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. 598/2015 under Sections 308 IPC registered at PS Dabri, Delhi and proceedings pursuant thereto are hereby quashed.

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

Petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

JANUARY 03, 2017

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