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

+ W.P.(CRL) 3706/2016

VIPIN KUMAR SHARMA & ORS.

..... Petitioner

Represented by: Mr. Prateek Yadav, Adv. with
petitioners.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Avi Kumar, ASC with SI
Ajmer Singh, PW
CWC/Nanakpura.
Mr. B.R. Ranjan, Adv. for R-2
with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

03.01.2017

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CrI.M.A. 20241/2016

Exemption allowed, subject to all just exceptions.

WP(CrI.) 3706/2016

By the present petition, the Petitioners seek quashing of FIR No. 11/2015 under Sections 406/498A/34 IPC registered at PS CAW Cell, Nanakpura, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto as the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer states that in the above noted FIR, the four petitioners are the only accused who have been charge sheeted and respondent No.2 the only complainant/victim.

Respondent No. 2, who is present in Court and identified by her counsel and the Investigating Officer, states that she has settled the matter

with the petitioners in terms of settlement agreement dated 18th September, 2015 a copy of which has been placed on record as Annexure A-2 to the petition at pages 33 to 39 of the paper book. In terms of the settlement, divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. In lieu of all her claims regarding maintenance/istridhan/permanent alimony etc., respondent No.2 was to receive a total sum of ₹11 lakhs out of which she has already received ₹7 lakhs and the balance amount of ₹4 lakhs has been received by her today in Court by way of demand draft No.501997 dated 5th December, 2016 drawn on ICICI Bank, Paharganj, Delhi. She states that she has now no claim left against the petitioner and does not wish to pursue the above noted FIR and proceedings pursuant thereto. 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 agreement dated 18th September, 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. 11/2015 under Sections 406/498A/34 IPC registered at PS CAW Cell, Nanakpura, 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 03, 2017
‘v mittal’