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

+ **CRL.M.C. 4896/2016**

GAURAV THAREJA & ORS.

..... Petitioners

Represented by: Mr. Prashant Mendiratta, Ms.
Poonam Mendiratta and Mr.
Anirudh K. Mudgal, Advocates
with petitioner Nos. 3 and 4 in
person.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Represented by: Ms. Meenakshi Chauhan, APP
for the State with SI Sachin, PS
Bharat Nagar.
Ms. Sunena Nigha, Advocate
for respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

02.01.2017

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Crl. M.A. No. 20286/2016 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 196/2012 under Sections 498A/406/34 IPC registered at PS Bharat Nagar, 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 the Investigating Officer submits that in the above noted FIR the four petitioners are the only

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accused and the respondent No. 2 is the only complainant/victim in the above noted FIR.

The complainant/Respondent No. 2 Ms. Ritika Thareja, who is present in Court and is identified by the learned counsel states that she has settled the matter with the petitioners as per the Settlement Agreement dated 28th March, 2016 which was executed between her and the petitioner No.1 through his Special Power of Attorney, that is, his father, the petitioner No.3 herein. In terms of the settlement marriage between the Petitioner No.1 and Respondent No.2/complainant has been dissolved by a decree of divorce by mutual consent. As full and final settlement of all the claims, that is, maintenance, streedhan and alimony etc. of the Respondent No. 2 and the maintenance of the minor child Arshia Thareja, till she attains the age of majority, the Petitioner No.1 has paid a sum of ₹35 lakhs and the respondent No.2 now has no claims whatsoever against the petitioners. She states that in terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto. She further states that though she will have the custody of the minor child Arshia Thareja however, the petitioners would be entitled to the visiting rights and interim custody as agreed between the parties. She states that she will abide by the terms of the settlement arrived at between the parties on 28th March, 2016.

Petitioner Nos. 3 and 4 are present in Court and are identified by the learned counsel. Petitioner No.3 on his behalf and on behalf of petitioner Nos. 1 and 2 and the petitioner No.4 affirm the statement of respondent No.2 and state that they will abide by the terms of the settlement dated 28th March, 2016. Copy of the Power of Attorney executed by petitioner Nos. 1

and 2 in favour of petitioner No.3 have been placed on record as Annexure-P4 (collectively). Thus the petitioner Nos. 1 and 2 are exempted from appearing before this Court.

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. 196/2012 under Sections 498A/406/34 IPC registered at PS Bharat Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

Petitioner No.3 on his behalf and on behalf of Petitioner Nos. 1 and 2, the petitioner No.4 and the respondent No.2 have signed this order sheet in acknowledgment of their statements made before this Court.

It is however, clarified that the rights as per law of the minor child Arshia Thareja, after attaining the age of majority are protected and in case she seeks to sue any of the parties to enforce her rights, she will not be bound by the agreement between the petitioners and the respondent No.2.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 02, 2017/‘vn’

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