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

+ **W.P.(CRL) 3526/2017**

HARVINDER SINGH & ORS

..... Petitioners

Represented by: Mr. Avtar Singh, Advocate
with petitioner No.1 in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Represented by: Ms. Kamna Vohra, Additional
Standing Counsel for State with
ASI Hawa Singh, PS Nihal
Vihar.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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18.12.2017

Crl. M.A. No. 20868/2017 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 842/2014 under Sections 498A/406/34 IPC registered at PS Nihal Vihar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the five petitioners are the only accused and the respondent No.2 is the only complainant/ victim.

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Respondent No. 2 who is present in Court and is identified by the Investigating Officer states that she has settled the matter with the Petitioners. 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, the Petitioner No.1 has to pay a sum of ₹4 lakhs which she has already received. Respondent No.2 states that now she has no claim whatsoever remaining against the petitioners. She further states that the minor child Gurvinder Singh, born form the wedlock of petitioner No.1 and respondent No.1 on 1st December, 2009 would remain in the care and custody of the petitioner No.1 who will be his legal guardian and she will not claim the custody of the said child however, has visitation rights by mutually fixing the time for meeting the child. In terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto and she has withdrawn all the cases filed by her against the petitioners. She also states that she will abide by the terms of settlement.

Petitioner Nos. 2 to 5 are not present in Court being residents of Madhya Pradesh and are thus exempted from appearing before this Court. Petitioner No.1 who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and undertakes to abide by the terms of settlement arrived at between the parties as incorporated in the judgment of the learned Principal Judge, Family Court, Tis Hazari on 20th September, 2016.

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. 842/2014 under Sections 498A/406/34 IPC registered at PS Nihal Vihar, Delhi and proceedings pursuant thereto are hereby quashed against all the accused.

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

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 18, 2017
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