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

+ **W.P.(CRL) 322/2018**

SANDEEP SINGH CHAUHAN & ORS

..... Petitioners

Represented by: Dr. M.K. Gahlot and Mr. H.K. Chaturvedi, Advocates with petitioner Nos. 1, 2, 3 and 5 in person.

versus

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

Represented by: Ms. Kamna Vohra, Additional Standing Counsel for the State with ASI Devender, PS Karawal Nagar.
Mr. K. D. Thapliyal, Advocate for respondent No. 2 with respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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01.02.2018

Crl. M.A. No. 1927/2018 (Exemption)

Allowed, subject to all just exceptions.

Crl .M.A. No. 1928/2018 (Exemption from personal appearance)

By this application the petitioner No.4 seeks exemption from appearance for the reason he is employed in Indian Army and is presently posted in Hissar and unable to get the leave.

For the reasons stated in the application, petitioner No.4 is exempted from appearing before this Court.

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Application is disposed of.

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By the present petition the petitioners seek quashing of FIR No. 568/2015 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at PS Karawal 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 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.

Respondent No. 2 who is present in Court and is identified by the learned counsel and 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 ₹8 lakhs to respondent No.2 out of which she has already received a sum of ₹6 lakhs and the balance amount of ₹2 lakhs has been received by her today in Court vide Demand Draft No.273754 dated 10th November, 2017 drawn on State Bank of India. She further states that now she has no claim whatsoever remaining against the petitioners. In terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto. She also states that she will abide by the terms of settlement.

Petitioner Nos. 1, 2, 3 and 5 who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of the settlement. Respondent No.4 has already been 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. 568/2015 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at PS Karawal Nagar, 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.

FEBRUARY 01, 2018
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