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

+ **W.P.(CRL) 358/2018**

SANJAY AHERIA & ORS

..... Petitioner

Represented by: Mr. Kunal Parsad, Advocate
with petitioners in person.

versus

STATE (GOVT.OF NCT DELHI)& ANR

..... Respondent

Represented by: Mr. Sanjay Lao, ASC for Ms.
Kamna Vohra, ASC for state
with ASI Ved Prakash, PS
Madhu Vihar.
Mr. S.K.S. Bhadanna,
Advocate for respondent No. 2
with respondent No.2 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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05.02.2018

CrI.M.A. No. 2120/2018 (Exemption)

Allowed, subject to all just exception.

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By the present petition the petitioners seek quashing of FIR No. 51/2017 under Sections 498A/406/34 IPC registered at PS Madhu Vihar 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 the five

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petitioners are the only accused and the respondent No.2 is the only complainant/ victim. He further states that after the parties have settled the matter, statement for divorce by mutual consent for first motion was recorded, the husband of the respondent No.2 Sanjeev passed away. The five petitioners who are now the only accused are the family members of late Sanjeev.

Respondent No. 2 who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the Petitioners vide the settlement order dated 24th May, 2017 before the Mediation Centre, Karkardooma Courts. In lieu of all the claims, that is, maintenance, streedhan and alimony etc. of the Respondent No. 2, the petitioners had to pay a total sum of ₹3.80 lakhs out of which she has already received a sum of ₹1,60,000/-, the balance amount of ₹2,20,000/- has been received by her today in Court by way of Demand Draft No. 920212 dated 22nd January, 2018 drawn on Indian Bank, Mangolpuri, Delhi and 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.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of the respondent No. 2 and undertake to abide by the terms of the settlement.

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

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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. 51/2017 under Sections 498A/406/34 IPC registered at PS Madhu Vihar 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 05, 2018
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