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

+ **W.P.(CRL) 688/2018**

MUKESH KUMAR & ORS

..... Petitioners

Represented by: Mr. Kapil Jain and Mr. K.D. Pandey, Advocates with petitioners in person.

versus

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

Represented by: Mr. Ashish Negi and Ms. Sushila, Advocates for Ms. Richa Kapoor, ASC with SI Sandeep Kumar, PS Palam Village.
Mr. Naveen Saini, Advocate for R-2 along with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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06.03.2018

Crl.M.A. No. 4140/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 238/2015 under Sections 498A/406/506/34 IPC registered at PS Palam Village, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for the learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR charge sheet

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has been filed only against petitioner No. 1 the ex-husband of the respondent No. 2 and petitioner No. 2 and 3 that is the father-in-law and mother-in-law have been kept in column No. 12 and no cognizance has been taken against them till date.

It is further stated that the petitioner Nos. 4 to 6 has not even been charge sheeted for trial. He further states that the respondent No.2 is the only complainant/ victim.

Respondent No. 2 who is present in Court and is identified by the learned counsel & Investigating Officer states that she has settled the matter with the Petitioners before the Counselling Cell, Tis Hazari Courts on 19th August, 2017 copy of which order is placed on record at pages 26 to 28 of the paper book. 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 ₹4.25 lakhs to respondent No.2 out of which she has already received a sum of ₹3 lakhs and the balance amount of ₹1,25,000/- has been received by her today in Court vide Demand Draft No.619239 drawn on Kotak Mahindra Bank dated 28th February, 2018. She further states that the minor child namely Diya, born out of the wedlock of P-1 & R-2, would remain in her care and custody and the petitioners would not have visiting rights and 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 respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties before Counselling Cell, Tis Hazari Courts on 19th August, 2017

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. 238/2015 under Sections 498A/406/506/34 IPC registered at PS Palam Village, 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.

MARCH 06, 2018
‘yo’