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

+ **W.P.(CRL) 704/2018**

CHANDER SHEKHAR CHANCHAL & ORS Petitioners
Represented by: Mr. Kapil Tyagi, Advocate
with petitioner Nos. 1, 4 and 5
in person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents
Represented by: Mr. Piyush Singhal, Advocate
for Ms. Richa Kapoor,
Additional Standing Counsel
for State with SI Ram Bir
Singh, PS Burari.
Respondent No.2 in person.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
07.03.2018

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Crl. M.A. No. 4248/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 1303/2015 under Sections 498A/406/34 IPC registered at PS Burari, 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 though initially five petitioners were arrayed as accused but charge sheet was filed

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only against petitioner Nos. 1, 2 and 3 and petitioner No. 2 has since passed away, thus proceedings qua him stand abated. He further states that respondent No.2 is the only complainant/ victim in the above noted FIR.

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 before the Counselling Cell, Dwarka Court on 9th May, 2017. 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 paid a sum of ₹10 lakhs to respondent No.2. She further states that she has no claim whatsoever remaining against the petitioners. As per the terms of settlement, the minor daughter Yashvi would remain in the care and custody of the respondent No.2 and the petitioners will not even have the visiting rights. 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, 4 and 5 are present in Court and are identified by the learned counsel. Petitioner Nos. 4 and 5 have not been charge sheeted. Petitioner No. 3 is stated to be unwell and thus not present in Court. Due to ill health the petitioner No. 3 is exempted from appearing before this Court. Petitioner No. 1 affirms the statement of respondent No.2 and undertakes to abide by the terms of the arrived at before the Counselling Cell, Dwarka Courts on 9th May, 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. 1303/2015 under Sections 498A/406/34 IPC registered at PS Burari, Delhi and proceedings pursuant thereto are hereby quashed against all the accused.

Petitioner No. 1 and respondent No. 2 have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 07, 2018

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