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

+ **W.P.(CRL) 858/2018**

CHANDAN BHATIA & ORS

..... Petitioner

Represented by: Mr. Rajan Bajaj and Mr.
Namon Gauba, Advocates.
Petitioner Nos. 1 and 2 present
in person.

versus

STATE (GOVT OF NCT DELHI) & ANR

..... Respondent

Represented by: Ms. Richa Kapoor, ASC with
Mr. Ashish Negi, Mr. Rajya
Vardhan and Ms. Shikha
Mehra, Advocates with SI Hira
Lal, PS Naraina.
Mr. Atish Bhardwaj, proxy
counsel for the complainant.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.03.2018

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Crl.M.A. No. 5340/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 176/2016 under Sections 498A/406/34 IPC registered at PS Naraina, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

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Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the four 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 vide Memorandum of Understanding/Settlement Deed dated 22nd September, 2017 copy of which is placed on record at pages 53 to 59 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 ₹24 lakhs to respondent No.2 out of which she has already received a sum of ₹16 lakhs and the balance amount of ₹8 lakhs has been received by her today in Court vide Demand Draft No. 477619 drawn on YES Bank. She further states that 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.

Petitioner Nos. 1 and 2 are present in Court and are identified by the learned counsel. Petitioner No. 3 is stated to be unwell and petitioner No. 4 is looking after her thus the petitioner No. 3 and petitioner No. 4 could not come to the Court. Petitioner Nos. 3 and 4 are exempted from appearing in the Court.

Petitioner Nos. 1 and 2 affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties

vide Memorandum of Understanding/Settlement Deed dated 22nd September, 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. 176/2016 under Sections 498A/406/34 IPC registered at PS Naraina, Delhi and proceedings pursuant thereto are hereby quashed.

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 22, 2018
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