

65# \$~

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

+ **W.P.(CRL) 1114/2018**

MANISH TUTEJA & ORS

..... Petitioners

Represented by: Ms. Seena Tangri, Advocate
for Mr. K. Singhal, Advocate
with petitioner Nos. 1, 3 and 4
in person.

versus

STATE NCT OF DELHI & ANR

..... Respondents

Represented by: Ms. Nandita Rao, Additional
Standing Counsel for State with
SI Veena, PS Vivek Vihar.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

16.04.2018

Crl. M.A. No. 6822/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 1114/2018

By the present petition the petitioners seek quashing of FIR No.328/2016 under Sections 498A/406/34 IPC registered at PS Vivek Vihar, East, 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 submits that in the above noted FIR initially four accused were arrayed however, petitioner No.2. Sumitra Tuteja has since passed away. Thus presently petitioner Nos. 1, 3 and 4 are the only accused and the respondent

W.P.(CRL) 1114/2018

Page 1 of 3

No.2 is the only complainant/ victim.

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 Delhi Government Mediation and Conciliation Centre at Nand Nagri on 23rd February, 2017, copy whereof is annexed as Annexure-P2 to 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. 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, 3 and 4 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 the Delhi Government Mediation and Conciliation Centre.

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.328/2016 under Sections 498A/406/34 IPC registered at PS Vivek Vihar, East, 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.

APRIL 16, 2018

‘vn’