

\$~54

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

+ **W.P.(CRL) 1101/2018**

SANDEEP MALIK

..... Petitioner

Represented by: Mr.Sandeep Verma, Mr.Sumit
Chowdhary and Mr.Nitish Bhardwaj,
Advocates

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Ms.Iti Pandey, Advocate for
Ms.Nandita Rao, ASC (Crl.) with ASI
Aman Kumar, PS Nanak Pura

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

16.04.2018

Crl.M .A.No.6785/2018

Allowed subject to just exceptions.

W.P.(Crl.) No.1101/2018

By the present petition the petitioners seek quashing of FIR No.116/2015 under Sections 498A/406/34 IPC registered at Crime Women Cell, Nanakpura 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 learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR, besides the

W.P.(CRL) 1101/2018

page 1 of 3

three petitioners already named i.e. Sandeep Malik, Kamla Malik and Satvir Malik, the two sisters of Sandeep Malik are also accused who have not been impleaded as parties. Learned counsel for the petitioners has handed over an amended memo of parties which is taken on record wherein Priyanka and Indu have been impleaded as petitioners No.4 and 5. Respondent No.2 who is present in Court and is identified by her counsel and the Investigating Officer states that she has settled the matter with the petitioners vide Memorandum of Understanding dated 4th December, 2017 pursuant where to marriage between 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 ₹10 lakhs to respondent No.2 out of which she has already received a sum of ₹7 lakhs and the balance amount of ₹3 lakhs has been received by her today in Court vide Bankers Cheque No.689931 drawn on State Bank of India. 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.

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. Petitioners No.4 and 5 who are residents of London and Australia respectively and thus are exempted from appearing before this Court.

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.116/2015 under Sections 498A/406/34 IPC registered at Crime Women Cell, Nanakpura 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
mamta