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

+ **W.P.(CRL) 1091/2018**

RAVI RATHI & ORS

..... Petitioners

Represented by: Mr. Sadiq Hussain, Advocate
with petitioner Nos. 1, 4, 5 and
6 in person.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents

Represented by: Ms. Iti Pandey, Advocate for
Ms. Nandita Rao, Additional
Standing Counsel for State with
SI Ashish Kumar, PS
Bhajanpura.
Respondent No. 2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.04.2018

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Crl.M.A. No. 6693/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition, the petitioners seek quashing of FIR No. 519/2016 under Sections 498A/406/34 IPC registered at PS Bhajan Pura, Delhi on the complaint of late Lata Rathi @ Chandni 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 the six petitioners are the only accused and the respondent No.2 Urmila Devi is the

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mother of late Lata Rathi @ Chandni/ the complainant of the FIR. She states that the FIR was got lodged by late Lata Rathi @ Chandani who was married to petitioner No.1 Ravi Rathi and pursuant to the settlement, late Lata Rathi @ Chandani and Ravi Rathi got divorce by mutual consent on 17th August, 2017 after their statements for second motion for divorce by mutual consent was recorded however, unfortunately, Lata Rathi @ Chandani passed away at her parental home on 14th November, 2017. Thus her only legal heir, that is, the mother has been impleaded as respondent No.2.

Respondent No. 2 who is present in Court and is identified by the Investigating Officer states that she had married her daughter Chandani whose nickname was Lata to Ravi Rathi on 30th April, 2015 however, they started living separately since, 3rd May, 2015. Ultimately, Ravi Rathi and Lata Rathi @ Chandani entered into a settlement pursuant where to divorce by mutual consent was granted between the two of them. She states that in terms of the settlement Lata Rathi @ Chandani was to receive a total sum of ₹1.10 lakhs out of which she has already received a sum of ₹80,000/- and the balance amount of ₹30,000/- has been received by respondent No. 2 in Court today by way of cash. She states that petitioners now owe no claim to the deceased Lata Rathi @ Chandani and she being her only legal heir has no objection in quashing of the abovementioned FIR and the proceedings pursuant thereto as agreed to by her late daughter.

Petitioner Nos. 2 and 3, who are aged 79 years and 75 years respectively and not in a position to walk properly, are not present and are thus exempted from appearing before this Court. Petitioner Nos. 1, 4, 5 and

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6 are present in Court and are identified by the learned counsel and affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties.

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. 519/2016 under Sections 498A/406/34 IPC registered at PS Bhajan Pura, Delhi and proceedings pursuant thereto are hereby quashed qua 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.

APRIL 13, 2018

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