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

+ W.P.(CRL) 1358/2018

SUNNY GUPTA

... Petitioner

Represented by: Mr.Aditya Aggarwal with
Mr.Ankit Mutreja, Advocates

versus

STATE & ANR

... Respondents

Represented by: Ms.Srilina Roy, proxy counsel
for Ms.Nandita Rao, ASC for
the State with SI C.B.Sharma,
PS New Usmanpur
Mr.Hilal Haider with
Ms.Aishwarya Dobhal,
Advocate for respondent No.2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

31.07.2018

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CrI.M.A.No.29004/2018 (Exemption)

Allowed, subject to all just exceptions.

CrI.M.A.No.29003/2018 (delay in filing Amended Memo of Parties)

For the reasons stated in the application, delay of 74 days in filing the
Amended Memo of Parties is condoned.

Application is disposed of.

CrI.M.A.No.29002/2018 (taking on record Amended Memo of Parties)

Amended Memo of Parties is taken on record.

Application is disposed of.

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By the present petition the petitioners seek quashing of FIR No.326/2013 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961, registered at PS New Usmanpur, 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 learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR though nine accused were arrayed in the FIR but charge-sheet has been filed only against 8 accused i.e. petitioners No.1 to 7 and 9 and 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 before the Counselling Cell, Family Court, Karkardooma Courts, on 20th January, 2018, copy whereof is annexed as Annexure-P4 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. respondent No. 2 was to receive a sum of ₹2,50,000/- out of which she has already received a sum of ₹2,00,000/- and the balance amount of ₹50,000/- has been received by her today in Court vide Demand Draft No.512043 drawn on Deutsche Bank, Somani Marg, Fort Mumbai. 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

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the proceedings pursuant thereto. She also states that she will abide by the terms of the settled arrived at between the parties.

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 before the Counselling Cell, Family Court, Karkardooma Courts, on 20th January, 2018.

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.326/2013 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act, 1961, registered at PS New Usmanpur, 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.

JULY 31, 2018
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