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

+ W.P.(CRL) 1260/2018

AMRIT PAL SINGH & ORS.

..... Petitioners

Represented by: Mr.Abhishek Tyagi, Advocate

versus

STATE & ANR

..... Respondents

Represented by: Mr.Piyush Singhal, Advocate for
Mr.Ashish Aggarwal, ASC for the
State with ASI Surender, PS Tilak
Nagar
Ms.Komal Chhibber, Advocate for R-
2 with R-2 in person

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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23.05.2018

CrI.M.A.No.9963/2018

By this application, the applicant seeks to amend the petition by impleading petitioner Nos.2 and 3 namely Gurbachan Singh and Jaswant Kaur as parties to the petition who were not initially added. Amended petition is taken on record.

Application is disposed of.

Since all parties are present in Court and the learned counsel(s) are present to identify them, the writ petition is taken up for hearing today.

Date of 26th July, 2018 in W.P.(CrI.) No.1260/2018 is cancelled.

W.P.(CrI.) No.1260/2018

1. By the present petition, the petitioners seek quashing of FIR No.682/2016 under Sections 406/498A/377/34 IPC registered at PS Tilak Nagar on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned proxy counsel for learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the three petitioners are the only accused and respondent No.2 is the only complainant/victim.

3. 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 dated 28th April, 2017 copy whereof is annexed as Annexure P-2 to the present petition. 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 ₹11 lakhs to respondent No.2 out of which she has already received a sum of ₹8 lakhs and the balance amount of ₹3 lakhs has been received by her today in Court. ₹1.5 lakhs vide demand draft No.010142 and ₹1.5 lakhs vide demand draft No.010151 both drawn on Axis Bank Ltd. She further states that from the wedlock of petitioner No.1 and respondent No.2, a girl child namely Harshpreet Kaur was born on 20th October, 2010 who would remain in the care and custody of peititoner No.1 and respondent No.2 would neither have the custody nor the visiting

rights. 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. She undertakes to abide by the terms of settlement.

4. 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.

5. 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.

6. Consequently, FIR No.682/2016 under Sections 406/498A/377/34 IPC registered at PS Tilak Nagar and proceedings pursuant thereto are hereby quashed.

7. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 23, 2018

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