

\$~91

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

+ **W.P.(CRL) 1332/2018**

RAHUL AGARWAL & ORS

..... Petitioners

Represented by: Mohd.Shariq and Mr.Neeraj Ansari,
Advocates

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Ms.Nandita RAo, ASC with ASI
Subhash, PS South Rohini
Mr.Neeraj Kant Singh, Advocate for
R-2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

01.05.2018

Crl.M.A.No.8104/2018

Allowed subject to just exceptions.

Crl.M.A.No.8105/2018

By this application, the petitioner No.4 seeks exemption from personal appearance before this Court as he is working as Account Manager in Dubai and has not been able to get the leave. For the reasons stated in the application, the petitioner No.4 is exempted from appearing before this Court.

The application is disposed of.

W.P.(CRL) 1332/2018

page 1 of 3

W.P.(CrI.) No.1332/2018

1. By the present petition the petitioners seek quashing of FIR No.744/2015 under Sections 498A/406/34 IPC registered at PS South Rohini, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.
2. Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the four petitioners are the only accused and the 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 before the Delhi Mediation Centre, Rohini District, Courts on 5th June, 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 ₹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 Demand Draft No.009217 drawn on HDFC Bank. 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.

4. Petitioner Nos.1 and 3 are present in Court. Petitioner No.4 has already been exempted from appearing before this Court vide CrI.M.A.No.8105/2018. Petitioner No.2 is stated to be ill and presently is in ICU is also exempted from appearing before this Court. Petitioner Nos.1 and 3 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.744/2015 under Sections 498A/406/34 IPC registered at PS South Rohini, Delhi 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 01, 2018

mamta

W.P.(CRL) 1332/2018

page 3 of 3