

\$~49

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

+ **W.P.(CRL) 1490/2018**

NITESH AZAD & ORS

..... Petitioners

Represented by: Mr.Rakesh Nautiyal, Advocate with
Petitioners in person

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr.Ashish Aggarwal, ASC for the
State with W/SI Usha Rani, PS
Bindapur, Delhi
Mr.Deepak Tyagi, Advocate for
Complainant with Complainant in
person

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

14.05.2018

CrI.M.A.Nos.9096-97/2018

Allowed subject to just exceptions.

W.P.(CrI.) No.1490/2018

1. By the present petition, the petitioners seek quashing of FIR No.491/2017 under Sections 354(B)/498-A/34 IPC registered at PS Binda Pur, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that 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

W.P.(CRL) 1490/2018

page 1 of 3

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 vide Memorandum of Understanding dated 1st May, 2018. In terms of the settlement, petitioner No.1 and respondent No.2 have reconciled their disputes. Respondent No.2 states that she is residing with petitioner No.1 at Plot No.51, Rajiv Nagar Extension, New Delhi since 31st January, 2018 and she has no grievance against the parties. She undertakes to abide by the terms of settlement. In terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

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.491/2017 under Sections 354(B)/498-A/34 IPC registered at PS Binda Pur, 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 14, 2018

mamta