

13# \$~

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

+ **W.P.(CRL) 1769/2018**

SH NIRDOSH KUMAR & ORS.

..... Petitioners

Represented by: Mr. Arpit Jain, Advocate with
petitioners in person.

versus

THE STATE & ORS.

..... Respondents

Represented by: Mr. Jamal Akhtar, Advocate
for Mr. Rahul Mehra, Standing
Counsel for State with SI
Yogendra Kumar, PS Burari.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

06.07.2018

Crl. M.A. No. 10972/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 1769/2018

By the present petition the petitioners seek quashing of FIR No. 296/2016 under Sections 498A/406/34 IPC registered at PS Burari, 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 Standing Counsel for the State on instructions from the Investigating Officer submits that in the above noted FIR though five accused have been named however, the charge sheet is going to be filed only against the three petitioners as accused, that is,

W.P.(CRL) 1769/2018

Page 1 of 3

Nirdosh Kumar, Smt. Rakesh and Rahul and the respondent No.2 is the only complainant/ victim.

Respondent No. 2 who is present in Court and is identified by the Investigating Officer states that she has settled the matter with the Petitioners before the Delhi Mediation Centre, Karkardooma Courts, Delhi on 29th November, 2016, copy whereof is annexed at pages 42 to 44 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. of the Respondent No. 2, the Petitioner No.1 has to pay a sum of ₹14 lakhs to respondent No.2 out of which she has already received a sum of ₹8 lakhs and the balance amount of ₹6 lakhs has been received by her today in Court vide Demand Draft No. 002561 dated 5th July, 2018 drawn on Axis Bank, Burari, Delhi. 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 and undertakes to abide by the terms of settlement.

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 Delhi Mediation Centre, Karkardooma Court on 29th November, 2016.

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

W.P.(CRL) 1769/2018 ***Page 2 of 3***

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. 296/2016 under Sections 498A/406/34 IPC registered at PS Burari, 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 06, 2018

‘vn’