

\$~47

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

+ **W.P.(CRL) 2040/2018**

VIVEK NAYAL & ORS

..... Petitioner

Represented by: Mr. K.C. Roy and Mr. S.K.
Arya, Advocates.

versus

THE STATE NCT OF DELHI & ANR

..... Respondent

Represented by: Mr. Ashish Negi, proxy
counsel for Ms. Richa Kapoor,
ASC for the State with SI
Kuldeep Singh, PS Chhawala.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.07.2018

%

By the present petition the petitioners seek quashing of FIR No. 423/2016 under Sections 498A/406/34 IPC registered at PS Chhawala, 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 ASC for the State on instructions submits that in the above noted FIR the three petitioners are the only accused 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 Counselling Cell, Family Court, South-East, Saket on **W.P.(CRL) 2040/2018**

page 1 of 3

15th July, 2017 copy whereof is annexed as Annexure-P-2(colly) 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 ₹7 lakhs to respondent No.2 out of which she has already received a sum of ₹4 lakhs and the balance amount of ₹3 lakhs has been received by her today in Court vide Demand Draft No. 374372 drawn on Canara Bank dated 24th May, 2018. 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 further undertakes to abide by the terms of settlement 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.

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. 423/2016 under Sections 498A/406/34 IPC registered at PS Chhawala, Delhi and proceedings pursuant thereto are
W.P.(CRL) 2040/2018

hereby quashed against all the petitioners.

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 12, 2018
‘yo’