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

+ **W.P.(CRL) 1807/2018**

ABHISHEK KUMAR & ORS

..... Petitioners

Represented by: Mr.Rajiv Bakshi and Ms.Kajal
Sharma, Advocates for
petitioner No.1 with petitioner
No.1 in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Represented by: Ms.Nandita Rao, Additional
Standing Counsel for State with
SI Somvir Singh, PS
Seemapuri.
Mr. M.K. Singh, Advocate for
respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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06.07.2018

Crl. M.A. No. 11161/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 1297/2014 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at PS Seema Puri, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions

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from the Investigating Officer submits that in the above noted FIR the six petitioners are the only accused and respondent No.2 is the only complainant/ victim.

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. 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. The terms of the settlement are also incorporated in the order dated 13th December, 2017 passed by the learned Family Court in the joint petition under Section 13 (B) (1) of the Hindu Marriage Act. 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 ₹5 lakhs and the balance amount of ₹6 lakhs has been received by her today in Court vide Bankers' Cheque No. 607450 dated 20th June, 2018 drawn on State Bank of India, Dilshad Garden, New 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 will abide by the terms of settlement.

Petitioner No.1 is present in Court and is identified by the learned counsel. Petitioner Nos. 2 and 3 are residents of Bihar whereas petitioner No.4 is resident of Mumbai and petitioner Nos. 5 and 6 are residents of Bangalore and hence are exempted from appearing before this Court. Petitioner No.1 affirms the statement of respondent No.2 and undertakes to

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abide by the terms of settlement arrived at between the parties. PetitionerNo.1 further undertakes that no complaint whatsoever filed by the petitioner or his family members against the respondent No.2 and her family members is pending either at Patna or at PS Seema Puri. He states that all the complaints have been withdrawn and in case any complaint against the respondent No.2 and her family members would be still pending, he would withdraw the same. He further undertakes that no further litigation will be entered into between the parties or their family members.

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. 1297/2014 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at PS Seema Puri, 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’