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

+ **W.P.(CRL) 1926/2018 AND Crl. M.A. No. 11827/2018**

RACHIT BANGA & ORS

..... Petitioner

Represented by: **Mr. Rohit, Advocate.**

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: **Mr. Sanjay Lao, ASC with Ms
Hemlata Rawat, Advocate with
ASI Mahipal, PS Prashant
Vihar.
Ms. Samprikta Ghosal,
Advocate for R-2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

07.08.2018

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1. By the present petition, the petitioners seek quashing of FIR No.359/2017 under Sections 323/354/506/509/32 IPC registered at PS Prashant Vihar, 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 though in the FIR all the three petitioners were arrayed as an accused, however, charge sheet has since been filed only against petitioner Nos. 1 and 2. He further states that the respondent No.2 is the only complainant/victim.

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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 the settlement agreement dated 19th February, 2018 arrived at before the CAW Cell, Nanakpura, New Delhi. In terms of the settlement statement of first motion for divorce by mutual consent has been recorded and in lieu 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 ₹13,00,000/- to respondent No.2 out of which she has already received a sum of ₹6,50,000/- and the balance amount of ₹6,50,000/- will be paid to her at the time of recording of the statement of second motion for divorce by mutual consent. She further states that 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 arrived at between the parties.

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.359/2017 under Sections 323/354/506/509/32

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IPC registered at PS Prashant Vihar, Delhi and proceedings pursuant thereto are hereby quashed against all the petitioners.

7. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

8. Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

AUGUST 07, 2018

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