

27# \$~

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

+ **W.P.(CRL) 2166/2018**

NITIN CHHIBBER

..... Petitioner

Represented by: Ms. Parul Ghosh, Advocate
with petitioner Nos. 1, 2 and 3
in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Represented by: Mr. Jamal Akhtar, Advocate
for Mr. Rahul Mehra, Standing
Counsel for State with SI Roop
Lal, PS Begumpur.
Mr. Ishu Arora, Advocate for
respondent No.2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

14.09.2018

Crl. M.A. No. 31780/2018 (Delay in filing amended memo of parties)

For the reasons stated in the application, delay of 9 days in filing the amended memo of parties is condoned.

Amended memo of parties is taken on record.

Application is disposed of.

W.P.(CRL) 2166/2018

By the present petition, petitioners seek quashing of FIR No. 558/2016 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act registered at PS Begum Pur, Delhi on the complaint of

W.P.(CRL) 2166/2018

Page 1 of 3

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 submits that in the above noted FIR the three petitioners as impleaded by the amended memo of parties are the only accused as the fourth accused, that is, the mother of petitioner No.1 has since passed away. He further states that 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 vide Memorandum of Understanding dated 4th October, 2016, copy whereof is annexed as Annexure-P2 to the present petition. 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 ₹8.50 lakhs to respondent No.2 which respondent No.2 has already received. She further states that she has no claim whatsoever remaining against the petitioners. She also states that from the wedlock of petitioner No.1 and respondent No.2 a female child namely Abhya was born on 4th December, 2006 who would remain in the care and custody of respondent No.2 and the petitioner No.1 will not claim the custody of the said child however, he would have the right to meet the child twice every month. 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.

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. 558/2016 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act registered at PS Begum Pur, 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.

SEPTEMBER 14, 2018
‘vn’