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

+ **W.P.(CRL) 2336/2018**

GAURAV GARG & ORS.

..... Petitioner

Represented by: Ms. Rashmi Jain and Mr. Rana
Rajdeep Singh, and Mr. Vineet
Malhotra Advocates.

versus

THE STATE (NCT OF DELHI) & ORS.

..... Respondent

Represented by: Mr. Jamal Akhtar, Advocate
for Mr. Rahul Mehra, Standing
Counsel with ASI Mahipal, PS
Prashant Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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07.08.2018

Crl.M.A. No. 29438/2018 (Exemption)

Allowed, subject to all just exceptions.

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1. By the present petition, the petitioners seek quashing of FIR No.497/2015 under Sections 498A/406/34 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 proxy counsel for learned Standing Counsel for the State on instructions submits that in the above noted FIR the five petitioners are the only accused and 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 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. 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 ₹5 lakhs to respondent No.2 out of which she has already received a sum of ₹3 lakhs and the balance amount of ₹2 lakhs has been received by her today in Court vide Demand Draft No. 000251 drawn on Equitas Bank dated 2nd August, 2018. She further states that from the wedlock, a minor son namely Master Yash Raj was born in January, 2013 who will remain in the care and custody of the respondent No.2 and the petitioner No. 1 would not have either his custody or the visitation rights. 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 as mentioned by her in her affidavit dated 28th July, 2018 filed in separate of the present petition.

4. Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and petitioner No. 1 further undertakes that he will neither claim the custody nor visitation rights of the minor child, Yashraj.

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.497/2015 under Sections 498A/406/34 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 is disposed of. Order dasti.

MUKTA GUPTA, J.

AUGUST 07, 2018
‘yo’