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

+ **W.P.(CRL) 2404/2018**

MANISH DHANWARIA & ORS

..... Petitioners

Represented by: Mr. Pulkit Dandona, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Ms. Amita Sachdeva, proxy
counsel for Ms. Richa Kapoor,
ASC with SI Prabha, PS Prasad
Nagar.
Mr. Kishore Kumar, Advocate
for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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14.08.2018

Crl.M.A. No. 29941/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No.384/2015 under Section 498-A/406/34 IPC registered at PS Prasad Nagar, 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 the learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the seven petitioners were arrayed as accused in the FIR

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however, charge-sheet have been filed only against petitioner Nos. 1, 2 and 3. Thus, petitioner Nos. 1, 2 and 3 are the only accused and respondent No.2 the only complainant/ victim.

Respondent No.2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she has settled the matter with the petitioners before the Delhi Mediation Centre, Tis Hazari Courts on 19th October, 2015 copy whereof is annexed as Annexure-P3 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 ₹5,70,000/- to respondent No.2 out of which she has already received a sum of ₹ 3,70,000/- and the balance amount of ₹2,00,000/- has been received by her today in Court vide Demand Draft No. 612303 drawn on Punjab National Bank dated 9th August, 2018. She further states that one minor child Mehak born from the wedlock will remain in her care and custody and the petitioners would neither have the custody nor the visiting rights over the child. She further states that she has now 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 Nos. 1, 2 and 3 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 including ***W.P.(CRL) 2404/2018***

the terms noted in the statement recorded for second motion for divorce by mutual consent.

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.384/2015 under Section 498-A/406/34 IPC registered at PS Prasad Nagar, Delhi and proceedings pursuant thereto are hereby quashed qua 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.

AUGUST 14, 2018
‘yo’