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

+ **W.P.(CRL) 1341/2017**

AWDHESH KUMAR

..... Petitioner

Represented by: Mr. Ashok Singh, Advocate
with petitioner No. 1.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Ms. Srilina Roy, Advocate for
Ms. Nandita Rao, Additional
Standing Counsel for State with
ASI Virender Kumar.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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22.02.2018

Crl. M.A. No. 16068/2017 (impleadment)

By this application the petitioner seeks to implead the other accused as co-petitioners since there are seven accused in the present FIR.

The application is allowed, impleading all the accused as petitioners.

Application is disposed of.

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By the present petition the petitioners seek quashing of FIR No. 310/2015 under Sections 498A/406/34 IPC registered at PS Maya Puri, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

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Learned proxy counsel for learned Additional Standing Counsel for the State on instructions, as noted above submits that the seven petitioners in the present petition are the only accused and the respondent No.2 is the only complainant/ victim.

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 before the Delhi Mediation Centre, Tis Hazari Courts. 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, as agreed the Petitioner No.1 has to pay a sum of ₹4.50 lakhs to respondent No.2 out of which she has already received a sum of ₹3 lakhs and the balance amount of ₹1.50 lakhs has been received by her today in Court, ₹1 lakhs vide Demand Draft No.451155 dated 16th February, 2018 drawn on Bank of Baroda, Bakewar and ₹50,000/- in cash which the respondent No.2 states that she will get a FDR made in the name of the minor child Master Krishna. Respondent No. 2 further states that the items mentioned in para-6 of the settlement agreement before the Delhi Mediation Centre have also been received by her and she has no claim whatsoever remaining against the petitioners. She further states that the care and custody of the minor child Krishna will remain with her and the petitioners or any of the family members would have no visiting rights. In terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto. She also states that she will abide by the terms of settlement.

Petitioner No.1 who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2. Petitioner No. 1 on his behalf and on behalf of family members undertakes to abide by the terms of the settlement arrived at before the Delhi Mediation Centre, Tis Hazari Courts dated 11th April, 2016, copy of which order is annexed as Annexure-P2 to the present petition. Petitioner Nos. 2 to 7 are residents of Fatehpur, Uttar Pradesh and were not in position to come to the Court. Hence they are exempted from appearing before this Court.

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. 310/2015 under Sections 498A/406/34 IPC registered at PS Maya Puri, Delhi and proceedings pursuant thereto are hereby quashed against all the accused.

Parties have signed this order sheet in acknowledgment of their statements made before this Court. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 22, 2018/‘vn’

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