

\$~38

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

+ W.P.(CRL) 2814/2018

SH. SOAMBRATA GHOSH @ JOY @

SOM @ ORS

..... Petitioners

Through: Mr.Saroj Kumar Jha, Advocate

versus

THE STATE (GOVT. OF NCT DELHI) & ANR. Respondents

Through: Mr.Jamal Akhtar, Advocate for Mr.Rahul Mehra, Standing Counsel for the State with SI Jaibir Singh, PS Geeta Colony
Mr.Manjeet Singh, Advocate for R-2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.12.2018

%

1. By this petition, the petitioners seek quashing of FIR No.168/2015 under Sections 498A/406/34 IPC registered at PS Geeta Colony, 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 three petitioners are the only accused and the respondent No.2 is the only complainant/victim.

3. Respondent No.2 who is present in Court and is identified by the learned counsel states that she has settled the matter with the petitioners and 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

W.P.(CRL) 2814/2018

page 1 of 3

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 ₹6 lakhs to respondent No.2 out of which she has already received a sum of ₹4 lakhs and the balance amount of ₹2 lakhs has been received by her today in Court vide Demand Draft No.000010 drawn on ICICI Bank. She further states that she has 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 and undertakes to abide by the terms of settlement.

4. Petitioner No.1 who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and undertakes to abide by the terms of settlement arrived at between the parties. Petitioner No.2 is stated to be suffering from brain stroke and is being looked after by petitioner No.3. Thus petitioner Nos.2 and 3 are exempted from appearing before this Court.

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.168/2015 under Sections 498A/406/34 IPC registered at PS Geeta Colony, Delhi and proceedings pursuant thereto are hereby quashed qua all 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.

DECEMBER 12, 2018
mamta