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

+ **W.P.(CRL) 2806/2018**

SHRI ARUN KUMAR & ANR.

..... Petitioner

Represented by: Mr. Rajeshwar P. Gupta,
Advocate.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondent

Represented by: Mr. Jamal Akhtar, Advocate
for Mr. Rahul Mehra, Standing
Counsel for the State with ASI
Sangeeta, PS Seemapuri.
Mr. Nishant Kumar Das and
Ms. Mahima Misra, Advocates
for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **18.09.2018**

CrI.M.A. No. 32369/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 367/2017 under Sections 498A/406/34 IPC registered at PS Seemapuri, 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 Standing Counsel for the State on instructions submits that in the above noted FIR the two petitioners 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 learned counsel and the Investigating Officer states that she has settled the matter with the petitioners before Delhi Mediation Centre, Karkardooma Courts, Delhi on 16th September, 2017, copy whereof is annexed as Annexure P-2 of the paper book. 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 ₹ 4.50 lakhs to respondent No.2 out of which she has already received a sum of ₹3.50 lakhs and the balance amount of ₹1 lakh has been received by her today in Court vide Demand Draft No. 073869 drawn on Central Bank of India dated 11th September, 2018. 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.

Petitioner No. 1 is present in Court and is identified by the learned counsel. Petitioner No. 2 is not present in court. Learned counsel for the petitioners states that petitioner No. 2 is suffering from ankle fracture and is not in a position to come to Court. Thus petitioner No. 2 is exempted from ***W.P.(CRL) 2806/2018***

appearing before this Court. Petitioner No. 1 affirms the statement of respondent No.2 and undertakes 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. 367/2017 under Sections 498A/406/34 IPC registered at PS Seemapuri, 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 18, 2018

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