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

+ **W.P.(CRL) 2192/2017**

ASHISH ARORA & ORS

..... Petitioners

Represented by: Mr. Avinash Sharma, Advocate
with petitioner Nos. 1, 2 and 3
in person.

versus

STATE & ANR

..... Respondents

Represented by: Mr. Rajesh Mahajan,
Additional Standing Counsel
for State and Mr. Prem Sagar
Pal and Ms. Suman Saharam,
Advocates with SI Dharamvir
Singh, PS CWC, Nanak Pura.
Ms. Sonia A. Menon, Advocate
for respondent No. 2 with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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05.03.2018

Crl. M.A. No. 12356/2017 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 14/2016 under Sections 498A/406/34 IPC registered at PS Crime Against Women Cell, Nanak Pura, 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 Additional Standing Counsel for the State on instructions from the Investigating Officer submits that in the abovenoted FIR the charge sheet has been filed only qua petitioner Nos. 1, 2 and 3 by the State, who 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 vide Settlement Deed dated 28th July, 2017, copy whereof is annexed as Annexure-P1 to the present petition. Prior to the settlement divorce had been granted on the ground of irretrievable breakdown of marriage by the Australian Court, however, to ensure that there is no problem in future, the parties has also been granted divorce by mutual consent by learned Family Court, Tis Hazari Courts on 28th February, 2018 after statements for second motion for divorce by mutual consent was recorded of the petitioner No.1 and respondent No.2. 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 ₹22 lakhs to respondent No.2 out of which she has already received a sum of ₹11 lakhs and the balance amount of ₹11 lakhs has been received by her today in Court vide Manager's Cheque No.032069 dated 27th February, 2018 drawn on HDFC Bank, Rajouri Garden, New Delhi. She further states that she has no claim whatsoever remaining against the petitioners and has withdrawn all her earlier complaints. 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 incorporated in the Settlement Deed dated 28th July, 2017.

Petitioner Nos. 1, 2 and 3 who 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 settlement dated 28th July, 2017 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. 14/2016 under Sections 498A/406/34 IPC registered at PS Crime Against Women Cell, Nanak Pura, Delhi and proceedings pursuant thereto are hereby quashed against all the accused.

Petitioner Nos. 1, 2, and 3 and the respondent No. 2 have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 05, 2018
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