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

+ **W.P.(CRL) 3551/2018**

AMIT GUPTA & ORS.

... Petitioners

Represented by: **Mr.Dharam Pal Singh, Advocate**

versus

STATE & ANR.

... Respondents

Represented by: **Mr.Ashish Aggarwal, ASC for the State with Mr.Piyush Singhal, Advocate**

Mr.Mohit Sharma, Advocate for respondent No.2

Mr.Amit Bhandari with Mr.Sumant De and Mr.Vivek Aggarwal,

Advocate for respondent No.4

ASI Raj Bahadur, PS Subhash Place

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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22.11.2018

Crl.M.A.No.47754/2018 (delay in re-filing)

For the reasons stated in the application, the delay of 25 days in re-filing the petition is condoned.

Application is disposed of.

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1. By this petition, the petitioners seek quashing of FIR No.506/2016 under Sections 498A/406/34 IPC registered at PS Subhash Place 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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2. Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the four 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 and the Investigating Officer states that she has settled the matter with the petitioners vide Memorandum of Settlement dated 22nd January, 2018 copy whereof is annexed as Annexure B to the present petition. In terms of the settlement, divorce by mutual consent has been granted between petitioner No.1 and respondent No.2/complainant. As full and final settlement of all the claims, that is, maintenance, streedhan and alimony etc. of the respondent No.2 is to receive a total sum of ₹9,25,000/- which amount she has already received and she has now no claim whatsoever against the petitioners. She further states that the minor baby girl Kangna born from the wedlock on 1st December, 2007 will remain in her care and custody and the petitioners will neither have the custody nor the visiting rights. She states that as undertaken, the petitioner No.1 will continue to pay a sum of ₹6,000/- per month for the maintenance of the minor daughter Kangna till March, 2025. She further states that in terms of the settlement she does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto. She undertakes to abide by the terms of settlement arrived at between the parties.

4. Petitioners 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 of settlement arrived at between the parties.

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.506/2016 under Sections 498A/406/34 IPC registered at PS Subhash Place and proceedings pursuant thereto are hereby quashed.

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.

NOVEMBER 22, 2018
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