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

+ **W.P.(CRL) 2950/2018**

MANDEEP SEHRAWAT & ORS.

..... Petitioner

Represented by: Mr. Vivek Luthra, Ms. Rema Luthra
and Mr. Deepak Lohchab, Advocates.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Jamal Akhtar, Advocate for Mr.
Rahul Mehra, Standing Counsel for
the State with ASI D.K. Sharma, PS
M.S. Park.
Mr. J.S. Arya, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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28.09.2018

Crl.M.A. No. 33130/2018 (Exemption)

Allowed, subject to all just exceptions.

Crl.M.A. No. 33131/2018

By this application, the petitioner Nos. 2 and 5 seek to be represented through their special power of attorney who is petitioner No. 4 in the present petition.

Application is disposed of permitting petitioner Nos. 2 and 5 to be represented through their special power of attorney, i.e. petitioner No. 4.

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By the present petition the petitioners seek quashing of FIR No. 69/2016 under Sections 498A/406/34 IPC registered at PS Mansarovar Park, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for learned Standing Counsel for the State on instructions submits that in the above noted FIR the five 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 Investigating Officer states that she has settled the matter with the petitioners before Delhi Mediation Centre Patiala House Courts on 20th March, 2018, copy whereof is annexed as Annexure-P2 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 ₹50 lakhs to respondent No.2 out of which she has already received a sum of ₹10 lakhs and a sum of ₹5 lakhs has been received by her today in Court vide Demand Draft No. 500208 drawn on ICICI Bank dated 19th September, 2018 and the balance amount of ₹35 lakhs has been given as two FDRs for a sum of ₹17.50 lakhs each in the name of two minor daughters, namely, Hrishita and Dakshita, aged 13 years and 5 years respectively. The two daughters will remain in the care and custody of respondent No. 2 and the petitioners will be entitled to visit the

two daughters twice in a month for eight hours as agreed between the parties. She 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 Nos. 1, 3 and 4 are present in Court and are identified by the learned counsel. Petitioner Nos. 2 and 5 are represented through petitioner No. 4 and a special power of attorney in favour of petitioner No. 4 has been executed by petitioner Nos. 2 and 5, which is annexed as Annexure-P5 to the present petition collectively. Petitioner Nos. 1, 3 and petitioner No. 4 on her behalf and on behalf of petitioner Nos. 2 and 5 affirm the statement of respondent No.2 and undertake 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. 69/2016 under Sections 498A/406/34 IPC registered at PS Mansarovar Park, 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 28, 2018
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