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

+ **W.P.(CRL) 2961/2018**

SHARAD KUMAR SINGH

..... Petitioner

Represented by:

Mr. Haneef Mohammad and
Mr. Anil Vyas, Advocates.

versus

STATE & ANR.

..... Respondent

Represented by:

Mr. Ashish Aggarwal, ASC
with Mr. Piyush Singhal,
Advocate with SI Nehit Phogat,
PS Shakurpur, Delhi.
Mr. Subodh Kumar Pathak and
Ms. Pranita Shekhar,
Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.09.2018

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CrI.M.A. No. 33190/2018

By this application, petitioner No. 3 seeks exemption from personal appearance in view of pain and swelling in both knee joints.

For the fact stated in the application, the same is allowed. Petitioner No. 3 is exempted from appearing before this Court.

Application is disposed of.

W.P.(CRL) 2961/2018

By the present petition the petitioners seek quashing of FIR No. 684/2017 under Sections 498A/406/34 IPC registered at PS Shakurpur,

W.P.(CRL) 2961/2018

page 1 of 3

Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional 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.

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 Principal Judge, Family Court, East District on 27th February , 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 ₹37 lakhs to respondent No.2 out of which she has already received a sum of ₹25 lakhs and the balance amount of ₹12 lakhs has been received by her today in Court vide Demand Draft No. 624966 drawn on State Bank of India dated 23rd September, 2018. 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 and 2 are present in Court and are identified by the learned counsel. Petitioner No. 3 has sought exemption from appearing before this Court in view of her ailment and has been exempted as noted above. Petitioner Nos. 1 and 2 affirm the statement of respondent No.2 and

W.P.(CRL) 2961/2018 ***page 2 of 3***

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. 684/2017 under Sections 498A/406/34 IPC registered at PS Shakurpur, Delhi and proceedings pursuant thereto are hereby quashed qua all the petitioners.

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
‘yo’