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

+ **W.P.(CRL) 3160/2018**

RAJ KUMAR

..... Petitioner

Represented by: Mr. Chandan Singh, Advocate with
petitioner in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Represented by: Ms. Nandita Rao, Additional
Standing Counsel for the State with
W/SI Vinod Kapoor, PS Vasant
Vihar.

Mr. Deepak Singh, Advocate for
respondent No.2 with respondent
No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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12.10.2018

Crl. M.A. No. 34263/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition, petitioner seeks quashing of FIR No. 781/2016 under Sections 498A/406 IPC registered at PS Vasant Vihar, 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 petitioner is the only accused and the respondent No.2 is the only complainant/ victim.

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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 Petitioner vide the Memorandum of Settlement dated 3rd July, 2017, copy whereof is annexed as Annexure-P2 to the present petition. In terms of the settlement marriage between the Petitioner 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 ₹5 lakhs to respondent No.2 out of which she has already received a sum of ₹3.40 lakhs and the balance amount of ₹1.60 lakhs has been received by her today in Court vide Demand Draft No. 014906 dated 1st October, 2018 drawn on HDFC Bank, Faridabad, Haryana. She further states that she has no claim whatsoever remaining against the petitioner. She further states that the minor daughter Priyanshi, born out of the wedlock of the petitioner and respondent No.2, who is now aged five years, will remain in her care and custody and the petitioner will neither have the custody nor the visiting rights of the child. In terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto and will abide by the terms of settlement.

Petitioner who is present in Court and is identified by the learned counsel 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

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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. 781/2016 under Sections 498A/406 IPC registered at PS Vasant Vihar, 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
MUKTA GUPTA, J.

OCTOBER 12, 2018

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Received DD no. 014906
for ₹ 2,60,000/-
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