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

+ **W.P.(CRL) 3068/2018**

GOVIND SINGH & ORS

..... Petitioners

Represented by: Mr. Manish Nagar, Advocate with
petitioner No.1 in person.

versus

THE STATE & ANR

..... Respondents

Represented by: Ms. Richa Kapoor, Additional
Standing Counsel for State with Ms.
Amita Sachdeva, Advocate with SI
Rajender Singh, PS Badarpur.
Ms. Sandhya Nagar, Advocate for
respondent No.2 with respondent
No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.10.2018

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Crl. M.A. No.33700/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition, petitioners seek quashing of FIR No. 19/2016 under Sections 498A/406/34 IPC registered at PS Badarpur, 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 though the petitioner No.3 was named however, no charge sheet was filed against her and charge sheet was filed

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only against petitioner Nos. 1 and 2 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 vide Compromise Deed dated 30th August, 2018, copy whereof is annexed as Annexure-P4 to the present petition. 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 ₹3.05 lakhs to respondent No.2 out of which she has already received a sum of ₹2 lakhs and the balance amount of ₹1.05 lakhs has been received by her today in Court vide Cheque No.472761 dated 11th October, 2018 drawn on Punjab National Bank, Kashipur, Udham Singh Nagar, Uttarkhand. She states that in case the cheque is honoured she will have 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 and undertake to abide by the terms of settlement.

Petitioner No. 1 is present in Court and is identified by the learned counsel. As noted petitioner No.3 is not an accused, petitioner Nos. 2 and 4 are not present in Court as they are residents of District Almora, Uttarakhand and petitioner No.2 being aged is not in a position to travel and thus petitioner No.4 is required to be present with petitioner Nos.2 and 3. Petitioner Nos. 2 and 4 are exempted from appearing before this Court.

Petitioner No.1 affirms the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties. Petitioner No.1 further states that the cheque issued will be honoured.

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. 19/2016 under Sections 498A/406/34 IPC registered at PS Badarpur, Delhi and proceedings pursuant thereto are hereby quashed against all accused.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 11, 2018
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