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

+ W.P.(CRL) 3196/2018

SHRI ASHUTOSH SHARMA & ORS.

..... Petitioner

Represented by: Mr. R.K. Kohli, Adv.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Ashish Aggarwal, ASC with SI
Vishambhari PS Shalimar Bagh.
Mr. S.S. pawar, Ms. Bhawana, Advs.
for R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.11.2018

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CrI.M.A. 34496/2018

Exemption allowed subject to just exceptions.

W.P.(CRL) 3196/2018

By the present petition the petitioners seek quashing of FIR No. 223/2014 under Sections 323/354/354A/377/506/509/34 IPC registered at PS Shalimar Bagh, 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 from Investigating Officer submits that in the above-noted FIR the four petitioners are the only accused and respondent No.2 the only complainant/victim and the FIR in question arises out of a matrimonial dispute between

W.P.(CRL) 3196/2018

page 1 of 3

the petitioner No.1 and respondent No.2. He further states that on the complaint of respondent No.2 another FIR being FIR No. 750/2015 under Sections 498A/406/34 IPC has also been lodged at PS Uttam Nagar.

Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she has settled the matter with the Petitioners before the counselling cell, Dwarka Courts on 16th May, 2018 copy whereof is at pages 78-80 of the paper book. In terms of the settlement divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony, etc., respondent No.2 is to receive a total sum of ₹1,75,000/- out of which she has already received ₹1,00,000/- and a sum of ₹35,000/- has been received by her today in Court by way of Demand Draft No. '507060' drawn on ICICI Bank. She states that she will be entitled to receive the balance amount of ₹40,000/- at the time of quashing of FIR No. 750/2015 under Sections 498A/406/34 IPC registered at PS Uttam Nagar. She states that the minor child Bhavya Sharma born from the wedlock will live in the care and custody of petitioner No.1 and respondent No.2 will not claim any visiting rights or custody of the minor child. She states that she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and will abide by the terms of settlement arrived between the parties.

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.

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. 223/2014 under Sections 323/354/354A/377/506/509/34 IPC registered at PS Shalimar Bagh, 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.

NOVEMBER 13, 2018
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