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

+ **W.P.(CRL) 3537/2018**

SH. DINESH CHAND SHARMA @ ABHAY SHARMA & ORS.

..... Petitioner

Represented by: Mr. Kailash Kr. Sharma, Adv.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Avi Singh, ASC with Ms.
Purnima, Adv. with SI Narender
Singh, PS Sarai Rohilla.
Mr. S.C. Chaturvedi, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.11.2018

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CrI.M.A. 47645/2018

Exemption allowed subject to just exceptions.

CrI.M.A. 47646/2018

For the reasons stated in the application delay of 32 days in re-filing is condoned.

Application is disposed of.

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By the present petition the petitioners seek quashing of FIR No. 615/2016 under Sections 498A/406/34 IPC registered at PS Sarai Rohilla, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

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Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the seven petitioners are the only accused and respondent No.2 the only complainant/victim.

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 Delhi Mediation Centre, Tis Hazari Courts on 5th July, 2017 in terms whereof divorce by mutual consent has been granted between the petitioner No.1 and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony, etc., petitioner No.1 has agreed to receive a sum of ₹6 lakhs out of which she has already received ₹5 lakhs and the balance amount of ₹1 lakh has been received by her today in Court by way of demand draft No. '608649' drawn on Oriental Bank of Commerce. She further states that from the wedlock of petitioner No.1 and respondent No.2 one minor child Aditya Sharma was born on 17th March, 2014 who will remain in her care and custody and the petitioners would neither have the custody nor the visiting rights. She states that she does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners Nos. 1, 4 and 5 are present in Court and are identified by the learned counsel. They affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties. Petitioners No.2 and 3 are the old parents of petitioner No.1 and residents of Mathura whereas petitioner No.6 and 7 are brother-in-law and sister of the petitioner No.1 and presently residing at Gorakhpur. Petitioner Nos. 2, 3, 6

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and 7 are thus exempted from appearing before this Court.

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. 615/2016 under Sections 498A/406/34 IPC registered at PS Sarai Rohilla, 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 20, 2018
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