

\$~55

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

+ W.P.(CRL) 3285/2018

AKASHDEEP @ AKASHDEEP

TANWAR & ORS.

..... Petitioners

Represented by: Mr.Rajeev Shukla, Advocate

versus

STATE & ANR.

..... Respondents

Represented by: Mr.Piyush Singhal, Advocate for
Mr.Ashish Aggarwal, ASC for the
State and ASI Hawa Singh, PS Nihal
Vihar
Ms.Pratishtha Mishra, Advocate for
R-2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

29.10.2018

Crl.M.A.No.35019/2018

Allowed subject to just exceptions.

W.P.(Crl.) No.3285/2018

1. By this petition, the petitioners seek quashing of FIR No.688/2017 under Sections 498A/406/34 IPC registered at PS Nihal Vihar on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned proxy counsel for learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the five

W.P.(CRL) 3285/2018

page 1 of 3

petitioners are the only accused and the respondent No.2 is the only complainant/victim.

3. Respondent No.2 who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioners before the Delhi Mediation Centre, Tis Hazar Courts on 19th May, 2018, copy whereof is annexed as Annexure P-2 to the present petition. In terms of the settlement, marriage between 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 ₹7 lakhs to respondent No.2 out of which she has already received a sum of ₹5 lakhs and the balance amount of ₹2 lakhs has been received by her today in Court vide Demand Draft No.018832 drawn on HDFC Bank. She further states that a minor child Master Aaditya @ Nonu born from the wedlock on 15th August, 2013 will remain in her care and custody and the petitioners will neither have the custody nor the visiting rights. She further states that she has no claim whatsoever remaining against the petitioners. In terms of the settlement she does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto. She undertakes to abide by the terms of settlement arrived at between the parties.

4. Petitioner Nos.1, 2, 3 and 5 who are husband, brother-in-law, wife of brother-in-law and sister-in-law of the complainant/respondent No.2 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 *W.P.(CRL) 3285/2018*

settlement arrived at between the parties. Petitioner No.4 is the paternal aunt of petitioner No.1 and has not been able to come to Court because of ailment. Petitioner No.4 is thus exempted from appearing before this Court.

5. 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.

6. Consequently, FIR No.688/2017 under Sections 498A/406/34 IPC registered at PS Nihal Vihar and proceedings pursuant thereto are hereby quashed qua all petitioners.

7. Petitioner Nos.1, 2, 3 and 5 and respondent No.2 have signed this order sheet in acknowledgment of their statements made before this Court.

8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 29, 2018

mamta