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

+ **W.P.(CRL) 3440/2018**

AMIT SHARMA @ NOVI & ANR Petitioner

Represented by: Mr. Anuj Kumar, Advocate.

versus

STATE (NCT OF DELHI) & ORS Respondent

Represented by: Ms. Richa Kapoor, ASC with SI
Ashwani, PS Jyoti Nagar.
Mr. Sunil Kumar, Advocate for
respondent No. 2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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13.11.2018

CrI.M.A. No. 35940/2018 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 87/2018 under Sections 354/509/34 IPC registered at PS Jyoti Nagar, 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 two petitioners are the only accused and the respondent No. 2 is the complainant/ victim. She further states that besides the respondent No. 2 her husband is also a victim who has not been

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impleaded as a party.

Faced with this situation, learned counsel for the petitioners has handed over an amended memo of parties which is taken on record impleading husband of respondent No. 2 as respondent No. 3.

Respondent Nos. 2 and 3 who are present in Court and are identified by the learned counsel and Investigating Officer state that they have settled the matter with the petitioners vide the memorandum of understanding dated nil notarized on 5th October, 2018, copy whereof is annexed as Annexure-B of the paper book. In terms of the settlement respondent Nos. 2 and 3 do not wish to pursue the abovementioned FIR and the proceedings pursuant thereto. Respondent Nos. 2 and 3 undertake to abide by the terms of settlement arrived at between the parties.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent Nos. 2 and 3 and undertake to abide by the terms of settlement arrived at between the parties. To show remorse they undertake to deposit cost.

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. 87/2018 under Sections 354/509/34 IPC registered at PS Jyoti Nagar, Delhi and proceedings pursuant thereto are
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hereby quashed subject to each of the petitioners depositing a cost of ₹5,000/- with the Juvenile Justice Fund maintained by the Registrar General of this Court within four weeks.

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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