

\$~58

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

+ W.P.(CRL) 3516/2018

HARVINDER SINGH & ORS

... Petitioner

Represented by: Mr.Vinod Prakash Sharma, Advocate

versus

THE STATE (NCT OF DELHI) & ANR ... Respondent

Represented by: Mr.Rajesh Mahajan, ASC for the
State with Ms.Jyoti Babbar and SI
Uddam, PS Bindapur
Mr.Dharmender Sharma with
Ms.Renu Sehrawat, Advocates for
respondent No.2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

19.11.2018

CrI.M.A.47492/2018 (Exemption)

Allowed, subject to all just exceptions.

CrI.M.A.47493/2018 (Exemption from personal appearance)

1. This application for exemption from personal appearance before this Court has been filed by petitioner No.4 Rajni Singh, who is out of country. She is represented by Mr.Ramandeep Singh, Power of Attorney in whose favour has been placed on record.
2. For the reasons stated in the application, the application is allowed and petitioner No.4 is exempted from personal appearance before this Court.

W.P.(CRL) 3516/2018

1. Amended Memo of Parties has been handed over, which is taken on record.
2. By the present petition the petitioners seek quashing of FIR No.75/2013 under Sections 406/498-A/34 IPC registered at PS Bindapur, New Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.
3. Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the five petitioners are the only accused and respondent No.2 the only complainant/victim.
4. Respondent No.2 is present in Court and is identified by the learned counsel and Investigating Officer. She states that she has settled the matter with the petitioners before the Counselling Cell, Family Courts, Dwarka on 10th April, 2017. In terms of the settlement divorce by mutual consent between the petitioner No.1 and respondent No.2 has already been granted. In lieu of all her claims of maintenance, istridhan, alimony, etc., respondent No.2 was to received a total sum of ₹3,50,000/- out of which she has already received a sum of ₹2,50,000/- and the balance sum of ₹1,00,000/- has been received by her today in Court through Demand Draft No.002432 dated 28th September, 2018 drawn on IDBI Bank Ltd., Tarn Taran Branch, Punjab. She states that she has now no claim whatsoever remaining against the petitioners. She further states that from the wedlock one minor son namely Anmol Singh was born on 4th February, 2009 who would remain in her care and custody and the petitioners would neither have the custody nor the

visiting rights. She states that in terms of the settlement, she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and will abide by the settlement arrived at between the parties.

5. Petitioners No.1, 2, 3 and 5 are present in Court and are identified by the learned counsel. Petitioner No.4 is represented through Special Power of Attorney Mr.Ramandeep Singh who is also present in Court and is identified by the learned counsel. Petitioners No.1, 2, 3 and 5 and the Special Power of Attorney of petitioner No.4 affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties on 10th April, 2017.

6. 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.

7. Consequently, FIR No.75/2013 under Sections 406/498-A/34 IPC registered at PS Bindapur, New Delhi and proceedings pursuant thereto are hereby quashed.

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

8. Petition is disposed of. Order dasti.

NOVEMBER 19, 2018

‘rk’

W.P.(CRL) 3516/2018

MUKTA GUPTA, J.

Page 3 of 3