

\$~62

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

+ **W.P.(CRL) 3523/2018**

SWARNDEEP SINGH & ORS. Petitioner

Represented by: Mr. Kunal Negi, Adv.

versus

STATE & ANR. Respondent

Represented by: Mr. Ashish Aggarwal, ASC with Mr. Piyush Singhal, Adv. with SI Himanshu PS Subhash Place. Mr. Kishan Rana, Mr. Ashok Verma, Mr. Ajay, Mr. Raj Kumar, Advs. for R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.11.2018

%

CrI.M.A. 47530/2018

Exemption allowed subject to just exceptions.

W.P.(CRL) 3523/2018

By the present petition the petitioners seek quashing of FIR No. 583/2016 under Sections 406/498A/34 IPC registered at PS Subhash Place, 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 three petitioners are the only accused and respondent No.2 the only complainant/victim.

W.P.(CRL) 3523/2018

page 1 of 3

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, Rohini Courts on 4th February, 2017 pursuant where to divorce by mutual consent has been granted between the petitioner No.1 and respondent No.2. In view of all her claims of maintenance, istridhan, alimony, etc., respondent No.2 is to receive a total sum of ₹7 lakhs 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 by way of Demand Draft No. '097102' drawn on Central Bank of India. She states that she has now no claim whatsoever against the petitioners and does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner No.1 and 2 are present in Court. Petitioner No.3 is the sister of petitioner No.1 and resident of Patna and thus could not be present. Petitioner No.3 is exempted from appearing before this Court. Petitioner No.1 and 2 who 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. 583/2016 under Sections 406/498A/34 IPC registered at PS Subhash Place, 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 19, 2018
‘ga’