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

+ **W.P.(CRL) 3554/2018**

ANOOP MITTAL @ ANUP MITTAL & ORS ... Petitioners

Represented by: **Mr.Saurabh Shokeen, Advocate**

versus

STATE & ANR

... Respondents

Represented by: **Ms.Richa Kapoor, ASC for the State
with SI Shashi, PS Roop Nagar
Mr.Rakesh Patiyal, Advocate for
respondent No.2**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.11.2018

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CrI.M.A.No.47767/2018 (exemption)

Allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 3554/2018

1. By this petition, the petitioners seek quashing of FIR No.232/2016 under Sections 498A/406/34 IPC registered at PS Roop Nagar on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the six petitioners are the only accused and the respondent No.2 is the only complainant/victim.

W.P.(CRL) 3554/2018

page 1 of 3

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 Hazari Courts on 11th August, 2017 copy whereof is annexed as Annexure P-2 to the present petition. In terms of the settlement, divorce by mutual consent has been granted between petitioner No.1 and respondent No.2/complainant. As full and final settlement of all the claims, that is, maintenance, streedhan and alimony etc. of the respondent No.2 is to receive a total sum of ₹14,50,000/- out of which she has already received a sum of ₹11,25,000/- and the balance amount of ₹3,25,000/- has been received by her today in Court vide Manager's Cheque No.031420 dated 22.11.2018 for ₹2,00,000/- and Demand Draft bearing No.000473 dated 1st October, 2018 for ₹1,25,000/- both drawn on HDFC Bank. She states that she has now no claim whatsoever against the petitioners. She further states that the minor baby girl Brithi born from the wedlock on 4th April, 2013 will remain in the care and custody of Mr.Anoop Mittal @ Anup Mittal and she would neither have the custody nor the visiting rights. She further states that 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. Petitioners No.1, 2, 5 and 6 are present in Court 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. Petitioner No.3 is the father of petitioner No.1 who is stated to have undergone a prostate surgery and petitioner No.4 the mother

of petitioner No.1 who is presently looking after petitioner No.3. Consequently, petitioners No.3 and 4 are 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.232/2016 under Sections 498A/406/34 IPC registered at PS Roop Nagar and proceedings pursuant thereto are hereby quashed qua all the petitioners.

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

8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 22, 2018

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