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

+ **W.P.(CRL) 2765/2017**

SAJID ALI @ SAJJID & ORS

..... Petitioners

Represented by: Mr.M.K.Gahlaut and Mr.Malkhan
Singh, Advocates

versus

STATE NCT OF DELHI & ANR

..... Respondents

Represented by: Ms.Kamna Vohra, ASC for the State
with SI C.P.Singh, PS Jamia Nagar
Mohd.Asif, Advocate for R-2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

06.09.2018

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1. By this petition, the petitioners seek quashing of FIR No.405/2016 under Sections 498A/406/34 IPC registered at PS Jamia 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 four petitioners are the accused and the respondent No.2 is the complainant/victim. She further states that the allegations relating to sister of respondent No.2 though also are mentioned in the present FIR however sister of respondent No.2 has filed a separate FIR for the alleged incident being FIR No.667/2016 at PS Jamia Nagar. Hence the respondent No.2 is the only victim in the abovenoted FIR.

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3. Respondent No.2 who is present in Court and is identified by the learned counsel and Investigating Officer states that she has settled the matter with the petitioners before the Mediation Centre, Saket Courts on 2nd September, 2016 pursuant where to Talak has been pronounced between petitioner No.1 and respondent No.2. As full and final settlement of all the claims, that is, maintenance, streedhan, alimony, mehar and iddat etc. of the respondent No.2, the petitioner No.1 has to pay a sum of ₹2,65,000/- to respondent No.2 out of which she has already received a sum of ₹1,65,000/- and the balance amount of ₹1,00,000/- has already been deposited by petitioner No.1 with the Registrar General of this Court which has been kept in a fixed deposit. She further states that she has no claim whatsoever remaining against the petitioners. In terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto. She also undertakes to abide by the terms of settlement.

4. Petitioners who are present in Court and 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.

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.405/2016 under Sections 498A/406/34 IPC registered at PS Jamia Nagar and proceedings pursuant thereto are hereby quashed.
7. Registry is directed to release the sum of ₹1,00,000/- deposited by petitioner No.1 with the Registry along with the interest that has accrued thereon to respondent No.2.
8. Parties have signed this order sheet in acknowledgment of their statements made before this Court.
9. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 06, 2018

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