

\$~62

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

+ **W.P.(CRL) 3652/2018**

SACHIN SAHNI & ORS

..... Petitioner

Represented by: Mr. Rohit Tyagi, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: Mr. Jamal Akhtar, Advocate for Mr.
Rahul Mehra, Standing Counsel for
the State with ASI Ramesh, PS
Rajouri Garden.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

03.12.2018

Crl.M.A. No. 48522/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 3652/2018 and Crl.M.A. No. 48523/2018

By the present petition the petitioners seek quashing of FIR No. 62/2011 under Sections 498A/406/377/34 IPC registered at PS Rajouri Garden, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for learned Standing Counsel for the State on instructions submits that in the above-noted FIR the five petitioners are the only accused and respondent No.2 the only complainant/ victim.

W.P.(CRL) 3652/2018

page 1 of 3

Respondent No. 2 is present in Court and is identified by the Investigating Officer. She states that she has settled the matter with the petitioners vide the Settlement Deed dated 1st January, 2018 copy whereof is annexed as Annexure P-2 to the present petition. In terms of the settlement, marriage between petitioner No.1 and respondent No.2/complainant has been dissolved by a decree of divorce by mutual consent. In lieu of all her claims of maintenance, istridhan, alimony, etc., petitioner No.1 has agreed to receive a sum of ₹47 lakhs out of which she has already received ₹27 lakhs and the balance amount of ₹20 lakhs has been received by her today in Court by way of demand draft No. '022549' drawn on HDFC Bank dated 1st December, 2018. She further states that from the wedlock of petitioner No.1 and respondent No.2 two minor children, namely, Moulik Sahni and Yatika Sahni were born on 21st February, 2008 and 18th November, 2009 respectively who will remain in care and custody of petitioner No. 1 and respondent No. 2 will be entitled to visiting rights as decided between the parties. She states that she does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto. She further undertakes to abide by the terms of settlement arrived at between the parties.

Petitioner Nos. 1, 2, 3 and 5 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. 4 is out of Delhi on a project and is thus exempted from appearing before this Court.

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. 62/2011 under Sections 498A/406/377/34 IPC registered at PS Rajouri Garden and proceedings pursuant thereto are hereby quashed qua all the petitioners.

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

Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 03, 2018
‘yo’