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

+ **W.P.(CRL) 2875/2017**

AMIT GANDHI & ORS

... Petitioners

Represented by: **Mr.Hemant Kumar, Advocate**

versus

STATE & ORS

... Respondents

Represented by: **Mr.Rajesh Mahajan, ASC for
the State with Ms.Jyoti Babbar,
Advocate and ASI Hukam
Chand, PS Mehrauli
Mr.Amit Choudhary, Advocate
for respondent No.2**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
25.07.2018

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By the present petition the petitioners seek quashing of FIR No.1434/2016 under Sections 498A/406 IPC registered at PS Mehrauli 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 submits that in the above noted FIR the three petitioners were arrayed as accused in the FIR however, charge-sheet was filed only against petitioner No.1 and petitioners No.2 and 3 were kept in Column No.12 and not summoned by learned Trial Court. Thus, petitioner No.1 is the only accused

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and respondent No.2 is the only complainant/victim in the above noted FIR.

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 vide Memorandum of Understanding dated 4th August, 2017, copy whereof is annexed as Annexure-P2 to the present petition. In terms of the settlement marriage between the petitioner No.1 and respondent No.2/complainant has been dissolved by a decree of divorce by mutual consent. As full and final settlement of all the claims, that is, maintenance, streedhan and alimony etc. of the respondent No.2, the respondent No.2 is entitled to receive a sum of ₹10,50,000/- out of which she has already received a sum of ₹7,50,000/- and the balance amount of ₹3,00,000/- has been received by her today in Court vide Demand Draft No.357324 dated 22nd September, 2017, revalidated on 20th July, 2018, drawn on Punjab & Sind Bank, Rani Bagh, Delhi. She further states that she has no claim whatsoever remaining against the petitioners and in terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto. She further states that she will abide by the terms of the settlement arrived at between the parties vide Memorandum of Undertaking dated 4th August, 2017.

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 Memorandum of Undertaking dated 4th August, 2017.

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

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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.1434/2016 under Sections 498A/406 IPC registered at PS Mehrauli 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.

JULY 25, 2018

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