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

+ **W.P.(CRL) 3327/2017**

VIKAS TYAGI & ORS

..... Petitioners

Represented by: Mr. Karan Sachdeva, Mr.
Sanjay Sharma and Ms. Richa
Sharma, Advocates with
petitioner Nos.3 and 4 in
person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Represented by: Mr. Avi Singh, Additional
Standing Counsel for State with
ASI Sukda, PS Uttam Nagar.
Respondent No. 2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.04.2018

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By the present petition the petitioners seek quashing of FIR No. 707/2015 under Sections 498A/406/34 IPC registered at PS Uttam Nagar, 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 the Investigating Officer submits that in the above noted FIR the four petitioners are the only accused and the respondent No.2 is the only complainant/victim.

Respondent No. 2 who is present in Court and is identified by the Investigating Officer states that she has settled the matter with the
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Petitioners before the learned Metropolitan Magistrate on 18th February, 2016 when statements of the petitioner No.1 and respondent No. 2 were recorded, copies whereof are at pages 44-48 of the paper book. 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 Petitioner No.1 has to pay a sum of ₹30 lakhs to respondent No.2, out of which she has already received a sum of ₹20 lakhs and the balance amount of ₹10 lakhs has been received by her today in Court by way of Demand Draft No. 435415 dated 1st February, 2018 drawn on Bank of India. 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 and will abide by the terms of settlement.

Petitioner Nos. 1 and 2 have executed a special power of attorney in favour of petitioner No. 3, their father as they are residing abroad. Copies of the special power of attorneys have been placed on record as Annexure-A to the present petition from pages 20-22. Petitioner No. 3, on his behalf and as special power of attorney of petitioner Nos. 1 and 2 and petitioner No.4, 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.

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. 707/2015 under Sections 498A/406/34 IPC registered at PS Uttam Nagar, Delhi and proceedings pursuant thereto are hereby quashed qua all the petitioners.

Petitioner No.3 on his behalf and on behalf of petitioner Nos. 1 and 2, petitioner No. 4 and respondent No. 2 have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 18, 2018
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