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

+ **W.P.(CRL) 3370/2017**

NITISH KUMAR & ANR.

..... Petitioner

Represented by: Mr. Girish Kumar, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondent

Represented by: Mr. Rajesh Mahajan, ASC with
Ms. Jyoti Babbar, Advocate
with ASI Asmita, PS
Najafgarh.
Mr. Viraj R. Datar, Advocate
for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.07.2018

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By the present petition, the petitioners seek quashing of FIR No. 366/2016 under Sections 354/506 IPC registered at PS Najafgarh, 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 submits that the above noted FIR arises out of a matrimonial dispute between respondent No. 2 and her husband who is the brother of the two petitioners herein. The respondent No. 2 lodged a complaint under Section 406/498 IPC before the CAW cell Nanakpura where in pre-litigation mediation proceedings parties arrived at settlement on 3rd January, 2017.

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Copy of the order has already been placed as Annexure-E to the present petition. Since the parties arrived at a settlement no FIR under Section 406/498 IPC was registered. On instruction he further states that in the above noted FIR the two 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 her ex-husband, Ashish Kumar, the brother of the two petitioners herein before the CAW cell Nanakpura on 3rd January, 2017. In terms of the settlement marriage between Ashish kumar 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, she was to receive a total sum of ₹9,00,000/- out of which she has already received a sum of ₹4,50,000/- and the balance amount of ₹4,50,000/- has been received by her today in Court vide Demand Draft No. 502016 drawn on ICICI Bank dated 3rd July, 2018. She further states that she has no claim whatsoever remaining against her ex-husband, Ashish Kumar or his family members and in view of holistic settlement arrived at between the parties she does not want to pursue the abovementioned FIR and the proceedings against the two petitioners herein who are the brothers of her ex-husband. She further undertakes to abide by the terms of settlement.

The two petitioners and their brother Ashish Kumar 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

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at between the parties.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition, 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. 366/2016 under Sections 354/506 IPC registered at PS Najafgarh, Delhi and proceedings pursuant thereto are hereby quashed.

The two petitioners and their brother, Ashish Kumar, 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.

JULY 04, 2018

‘yo’