

\$~50

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

+ **W.P.(CRL) 3730/2018**

KAILASH

..... Petitioner

Represented by: Mr. J.S. Arya and Mr. Paramjeet
Kumar, Advocates.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Sanjay Lao, ASC with ASI
Premvir Singh, PS Mayur Vihar.
Mr. Anil Kashyap, Advocate for
Complainant/ respondent.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

07.12.2018

Crl.M.A. No. 49140/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 3730/2018

1. By this petition, the petitioner seeks quashing of FIR No. 88 /2017 under Sections 498A IPC registered at PS Mayur Vihar Phase-1 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 petitioner is the only accused and the respondent No.2 is the only complainant/victim.

W.P.(CRL) 3730/2018

page 1 of 3

3. Respondent No.2 who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioner before Family Court, East District, Delhi on 20th January, 2018 copy whereof is annexed as Annexure B to the present petition. In terms of the settlement, marriage between petitioner 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 has to pay a sum of ₹2 lakhs to respondent No.2 out of which she has already received a sum of ₹1.50 lakhs and the balance amount of ₹50,000/- has been received by her today in Court through cash. She states that she has now no claim whatsoever remaining against the petitioner. In terms of the settlement she does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto. She undertakes to abide by the terms of settlement arrived at between the parties.

4. Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and undertakes to abide by the terms of settlement arrived at between.

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. 88 /2017 under Sections 498A IPC registered at PS Mayur Vihar Phase-1 and proceedings pursuant thereto are hereby quashed.
7. Parties have signed this order sheet in acknowledgment of their statements made before this Court.
8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 07, 2018
‘yo’