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

+ **W.P.(CRL) 3499/2017**

KAPIL JINDAL & ORS

..... Petitioner

Represented by: Mr. Vishal Raj Sehijpal, proxy
Adv. with petitioners in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Represented by: Mr. Ashok Garg, APP with SI
Vijay PS Prashant Vihar.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
25.01.2018

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By the present petition the petitioners seek quashing of FIR No. 58/2017 under Sections 498A/406/34 IPC registered at PS Prashant Vihar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that in the above-noted FIR the five petitioners are the only accused and respondent No.2 the only complainant/ victim.

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 memorandum of settlement dated 24th July, 2017 copy

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whereby is annexed as Annexure B to the present petition. She states that in terms of settlement divorce by mutual consent has been granted between the petitioner No.1 and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony, etc., respondent No.2 is to receive a sum of ₹11 lakhs out of which she has already received ₹6 lakhs and the balance amount of ₹5 lakhs has been received by her today in Court by way of demand draft No. '009531' dated 11th December, 2017 drawn IDBI Bank. She states that she will abide by the terms of settlement arrived at between the parties and does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioners No. 1 to 4 are present in Court. Petitioner No.5 is the brother of petitioner No.1 who is the Special Power of Attorney holder of petitioner No.5. Copy of the Special Power of Attorney is placed on record. Petitioners No.1 to 4 who are present in Court and are identified by the investigating officer affirm the statement of respondent No.2. Petitioners and petitioner No.1 on behalf of petitioner No.5 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 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. 58/2017 under Sections 498A/406/34 IPC registered at PS Prashant Vihar, Delhi 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.

JANUARY 25, 2018
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