

\$~34

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

+ W.P.(CRL) 3794/2018 and Crl.M.A. 49675/2018

PAWAN KUMAR SHARMA & ORS Petitioner

Represented by: Mr. Gulshan Jahan, Adv.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Ashish Negi, Adv. for Ms. Richa Kapoor, ASC with SI Ranjit, PS Neb Sarai.

R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.12.2018

%

By the present petition the petitioners seek quashing of FIR No. 211/2017 under Sections 498A/406/34 IPC registered at PS Neb Sarai, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for the learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the five petitioners are the 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 pursuant where to divorce by mutual consent has been granted between 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 total

W.P.(CRL) 3794/2018

page 1 of 3

sum of ₹3,90,000/- out of which she has received a sum of ₹2,40,000/- and the balance amount of ₹1,50,000/- has been received by way of bank draft No. '604771' dated 27th September, 2018. She states that in view of the settlement arrived at between the parties she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto. She undertakes to abide by the terms of settlement.

Petitioners No.1 and 3 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. Petitioner No.1 further states that the demand draft handed-over will be duly honoured and in case not honoured he undertakes to give another demand draft to the complainant for the same amount. Petitioner No.2 is unwell and is being looked after by petitioner No.4 and petitioner No.5 is on the family way. Thus, petitioners No.2, 4 and 5 are exempted from appearing before this Court.

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. 211/2017 under Sections 498A/406/34 IPC registered at PS Neb Sarai, Delhi and proceedings pursuant thereto are hereby quashed against all the petitioners.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 14, 2018
‘ga’