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

+ W.P.(CRL) 3802/2018

JORG ARMIN SCHENDEL

..... Petitioner

Represented by: Mr.Prosenjeet Banerjee and Ms.Neera Menon, Advocates

versus

NATIONAL CAPITAL TERRITORY OF DELHI
& ANR.

.... Respondents

Represented by: Mr.Ashish Negi, Advocate for
Ms.Richa Kapoor, ASC for the State
with Insp.Shyram, PS Naraina
Mr.P.Norula and Ms.Malavika,
Advocates for R-2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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14.12.2018

1. By this petition, the petitioner seeks quashing of FIR No.209/2018 under Sections 379/403/406/120-B IPC and Sections 66A, 66B, 66C, 66D and 66E of the Information Technology Act, 2000 registered at PS Naraina, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.
2. Learned proxy counsel for learned Additional Standing Counsel for the State on instructions submits that the above noted FIR is an offshoot of a matrimonial dispute between petitioner and respondent No.2. In the FIR petitioner is the only accused and the respondent No.2 is the only complainant/victim.

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3. Respondent No.2 is represented through her power of attorney Ms.Indrani Majumdar. Copy of the power of attorney in favour of Ms.Indrani Majumdar has been placed on record along with Vakalatnama. Ms.Indrani Majumdar is identified by the learned counsel. She states that the petitioner and respondent No.2 have entered into a settlement dated 17th October, 2018 before the Superior Court of Justice, Family Courts Ontario, copy whereof is annexed as Annexure-D to the present petition. Since the parties have settled the matter before the Superior Court of Justice, Family Courts Ontario, respondent No.2 does not wish to pursue the abovenoted FIR and the proceedings pursuant thereto. Affidavit of respondent No.2 has also been placed on record. Ms.Indrani Majumdar on behalf of respondent No.2 states that the abovenoted FIR and the proceedings be quashed and respondent No.2 will 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 power of attorney holder of respondent No.2 and also undertakes to abide by the terms of settlement as incorporated in the order of Superior Court of Justice, Family Courts Ontario on 17th October, 2018.

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.209/2018 under Sections 379/403/406/120-B IPC and Sections 66A, 66B, 66C, 66D and 66E of the Information Technology Act, 2000 registered at PS Naraina, Delhi and proceedings pursuant thereto are hereby quashed.

7. Petitioner and Ms.Indrani Majumdar, power of attorney holder of respondent No.2 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 14, 2018

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