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

+ **W.P.(CRL) 127/2019**

ANIL KUMAR @ KHUB SINGH & ORS. Petitioner

Represented by: Mr. C.P.S. Siddhu, Advocate.

versus

STATE & ANR. Respondent

Represented by: Ms. Purnima, Advocate for Mr. Avi Singh, ASC for the State with ASI Gyan Chand, PS CWC Nanak Pura. Mr. Rahul Anand, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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16.01.2019

Crl.M.A. No. 872/2019 (Exemption)

Allowed, subject to all just exceptions.

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1. By this petition, the petitioners seek quashing of FIR No. 167/2016 under Sections 498A/406/34 IPC registered at PS CWC Nanak Pura 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 points out that in the above noted FIR five petitioners were arrayed as accused. After investigation charge sheet has been filed only against petitioner Nos. 1 and 3 keeping them in column No. XI and petitioner Nos.

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2, 4 and 5 have been kept in column No. XII and till date no cognizance has been taken against them. She further states that the respondent No.2 is the only complainant/victim.

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 petitioners before the Mediation Cell, CAW Cell, Nanak Pura on 14th September, 2017 copy whereof is annexed as Annexure-C to the present petition. In terms of the settlement, marriage between petitioner No.1 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 No.1 has to pay a sum of ₹1 lakh to respondent No.2 out of which she has already received a sum of ₹70,000/- and the balance amount of ₹30,000/- has been received by her today in Court vide Demand Draft No. 412026 drawn on State Bank of India dated 15th January, 2019. She further states that a minor child, namely, Nanu was born from the wedlock on 21st September, 2016 who will remain in her care and custody and the petitioner No. 1 will neither have the custody nor the visiting rights. She further states that she has no claim whatsoever remaining against the petitioners. 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 Nos. 1, 2, 4 and 5 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. Petitioner No. 3

who is the mother of petitioner No. 1 is stated to be ill and thus exempted from appearing before this Court.

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. 167/2016 under Sections 498A/406/34 IPC registered at PS CWC Nanak Pura and proceedings pursuant thereto are hereby quashed qua all the petitioners.

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.

JANUARY 16, 2019
‘yo’