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

+ W.P.(CRL) 258/2019

SH. HIMANSHU PAHUJA & ORS. Petitioners

Represented by: Mr.Sushant Mukund, Advocate

versus

STATE & ANR. Respondents

Represented by: Mr.Rajesh Mahajan, ASC for the
State with ASI Gian Chand, PS CWC,
Nanak Pura
Mr.Sushant Chaturvedi, Advocate for
R-2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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25.01.2019

CrI.M.A.No.1751/2019

Allowed subject to just exceptions.

W.P.(CrI.) No.258/2019

1. By this petition the petitioners seek quashing of FIR No.89/2017 under Sections 498A/406/34 IPC registered at PS Crime (Women) Cell, 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 Additional Standing Counsel for the State on instructions submits that in the above noted FIR the four petitioners are the only accused and the respondent No.2 is the only complainant/victim.

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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 vide settlement agreement dated 23rd October, 2018 copy whereof is annexed as Annexure P-2 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 ₹20 lakhs to respondent No.2 out of which she has already received a sum of ₹17 lakhs and the balance amount of ₹3 lakhs has been received by her today in Court vide Demand Draft No.421744 drawn on Kotak Mahindra Bank. She further states that she has no claim whatsoever remaining against the petitioners. In terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto and undertakes to abide by the terms of settlement arrived at between the parties.

4. Petitioner Nos.2, 3 and 4 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 had to leave the country for Australia where he is working after the grant of divorce by mutual consent and thus not present in Court today however his other family members who are residing in India i.e. from petitioner Nos.2 to 4 are present in Court. Considering the fact that as no extension of leave was granted and petitioner No.1 had to go back to his work at Australia, this Court deems it fit to exempt petitioner No.1 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.89/2017 under Sections 498A/406/34 IPC registered at PS Crime (Women) Cell, Nanak Pura and proceedings pursuant thereto are hereby quashed qua all petitioners.

7. Petitioner Nos.2 to 4 and 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.

JANUARY 25, 2019

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