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

+ **W.P.(CRL) 310/2019**

HARSH DEV VASHISHT & ORS Petitioners

Represented by: **Mr.Dinesh Mudgil and Mr.Manoj Solanki, Advocates**

versus

THE STATE Respondent

Represented by: **Mr.Jamal Akhtar, Advocate for Mr.Rahul Mehra, Standing Counsel for the State with ASI Anita, PS Najafgarh**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

31.01.2019

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1. By this petition the petitioners seek quashing of FIR No.352/2016 under Sections 498A/406/34 IPC registered at PS Najafgarh 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 Standing Counsel for the State on instructions submits that in the above noted FIR six accused i.e. petitioner Nos.1 to 5 and petitioner No.7 have been arrayed as accused and 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 Investigating Officer states that she has settled the

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matter with the petitioners before the Counselling Cell, Family Courts, Dwarka. In terms of the settlement marriage between the 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 ₹10 lakhs to respondent No.2 out of which she has already received a sum of ₹7 lakhs and the balance amount of ₹3 lakhs has been received by her today in Court vide Demand Draft No.501649 drawn on ICICI Bank. She states that she would be entitled to receive the transfer documents in relation to Flat No.307, Sai Apartments, Chandra Park, Kakrola, Old Palam Road, New Delhi -78 which have already been deposited before the Family Courts, Dwarka after the present FIR is quashed. She further states that from the wedlock of petitioner No.1 and respondent No.2 a daughter namely Meenal was born on 19th December, 2008 who would remain in her care and custody and the petitioner No.1 would have the visiting rights once a month as decided in terms of the settlement. Petitioner No.1 would also pay a sum of ₹10,000/- per month for maintenance of the child till she gets married with 10% increase every three years. 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.

4. Petitioner Nos.1 to 4 and petitioner No.7 are present in Court and are identified by the learned counsel. They affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties. Petitioner No.6 though present is not an accused. As far as

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petitioner No.5 is concerned, she is not present being a resident of Faridabad, Haryana and thus is exempted from appearing before this Court today.

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.352/2016 under Sections 498A/406/34 IPC registered at PS Najafgarh and proceedings pursuant thereto are hereby quashed qua all petitioners.

7. Petitioner Nos.1 to 4, petitioner No.7 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 31, 2019

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