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

+ **W.P.(CRL) 315/2019**

GOURAV CHOUDHARY & ORS

..... Petitioners

Represented by: Mr.Ranjay N. and Mr.Anirudh Ahuja,
Advocates

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Represented by: Mr.Tanuj Bhadana, Advocate for
Mr.Avi Singh, ASC for the State with
SI Sandeep, PS Fatehpur Beri
Ms.Neha Kapoor, Advocate for the
complainant

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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31.01.2019

1. By this petition the petitioners seek quashing of FIR No.247/2017 under Section 498A IPC registered at PS Fatehpur Beri 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 in the above noted FIR the four petitioners are the only 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 Delhi High Court Mediation and Conciliation Centre vide settlement agreement dated 2nd August, 2018, copy whereof is annexed from pages 64 to 69 of the petition. 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 ₹5,25,000/- to respondent No.2 out of which she has already received a sum of ₹3,50,000/- and the balance amount of ₹1,75,000/- has been received by her today in Court vide Demand Draft No.316459 drawn on Central Bank of India. 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.

4. Petitioner Nos.3 and 4 are present in Court and are identified by the learned counsel. Petitioner No.1 the ex-husband of respondent No.2 is stated to be presently in USA and thus he appears through his power of attorney i.e. petitioner No.3 his brother. Copy of the power of attorney has been placed on record as Annexure P-3 to the present petition. Petitioner No.2 who is the mother of petitioner No.1 and 3 is stated to be unwell. Thus petitioner Nos.1 and 2 are exempted from appearing before this Court. Petitioner No.3 on his behalf and on behalf of petitioner No.1 and petitioner No.4 state that they affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties.

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.247/2017 under Section 498A IPC registered at PS Fatehpur Beri and proceedings pursuant thereto are hereby quashed qua all petitioners.

7. Petitioners Nos.3 and 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 31, 2019

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