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

+ **W.P.(CRL) 467/2019**

ROHIT MALIK & ORS

..... Petitioner

Represented by: Ms. Stuti Gupta, Adv.

versus

STATE OF NCT DELHI & ANR.

..... Respondent

Represented by: Mr. Sanjay Lao, ASC with SI Vikas
Yadav, PS Dwarka South.

Mr. Arvendra Singh, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.02.2019

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CrI.M.A. 3296/2019

Exemption allowed subject to just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 10/2012 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act registered at PS Dwarka South, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the five petitioners are the accused and respondent No.2 the complainant/ victim.

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Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she has settled the matter with the petitioners vide the deed of settlement dated 28th September, 2018 copy whereof is annexed as Annexure P-2 to the present petition. In terms of the settlement divorce by mutual consent has been granted between the petitioner No.1 and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony, etc., respondent No.2 is to receive a total sum of ₹25 lakhs out of which she has already received ₹15 lakhs and the balance amount of ₹10 lakhs has been received by her today in Court by way of two demand drafts No. '554302 and 554303' both drawn on Punjab National Bank. She states that she has now no claim whatsoever against the petitioners. She further states that from the wedlock of the petitioner No.1 and respondent No.2 a minor daughter namely Devanshi was born on 2nd September, 2009 who would remain in her care and custody and the petitioners would neither have the custody nor the visiting rights. She undertakes to abide by the terms of settlement arrived at between the parties and does not wish to pursue the above-noted FIR and the proceedings pursuant to.

Petitioners 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.

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.

Consequently, FIR No. 10/2012 under Sections 498A/406/34 IPC and Section 4 of the Dowry Prohibition Act registered at PS Dwarka South, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 13, 2019
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