

\$~52

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

+ **W.P.(CRL) 591/2019**

NIKHIL KAPOOR & ANR

..... Petitioner

Represented by: Mr. Ramakant Sharma, Mr. Ranjay,
Ms. Arpita Rai, Advs.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondent

Represented by: Mr. Jamal Akhtar, proxy Adv. for Mr.
Rahul Mehra, Standing Counsel with
WASI Sunita PS Nanakpura.
Mr. Ankur Mahindro, Ms. Sanjoli
Mehrotra, Advs. for R-2 with R-2 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

25.02.2019

%

CrI.M.A. 4137/2018

Exemption allowed subject to just exceptions.

W.P.(CRL) 591/2019

By the present petition the petitioners seek quashing of FIR No. 80/2016 under Sections 498A/406/506/34 IPC registered at PS CAWC Nanakpura, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for the learned Standing Counsel for the State on instructions from Investigating Officer submits that though in the FIR number of accused were arrayed, however the charge-sheet has been filed only against the two petitioners and the others were kept in column No.12

W.P.(CRL) 591/2019

page 1 of 3

and no cognizance has been taken qua any of the other accused. He states that the respondent No.2 is the only complainant/ victim.

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 settlement deed dated 8th September, 2018 annexed as Annexure B to the present petition pursuant whereunto divorce by mutual consent was granted between the petitioner No.1 and respondent No.2. From the wedlock of the petitioner No.1 and respondent No.2 a minor daughter namely Aanya was born on 9th April, 2012 who would remain in the care and custody of respondent No.2 and the petitioner will have visiting rights as mutually agreed. She further states that a sum of ₹1 crore has been handed-over to her at the time of recording of the statement for second motion for divorce by mutual consent. She states that she has now no claim whatsoever against the petitioners and does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

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. 80/2016 under Sections 498A.406/506/34 IPC registered at PS CAWC Nanakpura, 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 25, 2019
‘ga’