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

+ **W.P.(CRL) 752/2019**

TUSHAR & ORS

..... Petitioners

Represented by: **Mr.Rajender Yadav, Advocate**

versus

THE STATE & ANR

..... Respondents

Represented by: **Ms.Amita Sachdeva, Advocate for
Ms.Richa Kapoor, ASC for the State
and SI Dinesh, PS Budh Vihar
Mr.Bharat Bagga, Advocate for R-2**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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13.03.2019

CrI.M.A.No.5466/2019

Allowed subject to just exceptions.

W.P.(CrI.) No.752/2019

1. By this petition the petitioners seek quashing of FIR No.1322/2017 under Sections 498A/406/34 IPC registered at PS Vijay Vihar, Delhi 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 six 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 states that she has settled the matter with the petitioners before the Delhi Mediation Centre, Rohini District Courts on 3rd July, 2018. 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 lakhs to respondent No.2 out of which she has already received a sum of ₹3 lakhs and the balance amount of ₹2 lakhs has been received by her today in Court vide Demand Draft No.337558 drawn on Corporation Bank and her gold chain which was in custody of the petitioners has also been handed over to her today in Court. 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. She also undertakes to abide by the terms of settlement.

4. Petitioner Nos.1, 2, 3 and 5 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.4, maternal grandmother of petitioner No.1 being old and thus could not come to Court. Petitioner No.6, sister of petitioner No.1 and wife of petitioner No.5 who has to look after her infant child and thus could not come to Court. Petitioner Nos.4 and 6 are thus exempted from appeared 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.1322/2017 under Sections 498A/406/34 IPC registered at PS Vijay Vihar, Delhi and proceedings pursuant thereto are hereby quashed qua all petitioners.

7. Petitioner Nos.1, 2, 3 and 5 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.

MARCH 13, 2019

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