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

+ **W.P.(CRL) 2401/2019**

SUSHIL KUMAR

..... Petitioner

Through Mr Rohit Mahajan, Advocate.

versus

STATE & ANR

..... Respondents

Through Mr Piyush Singhal, Advocate for
Mr Ashish Aggarwal, ASC for state.

SI Pankaj Kumar, P.S. Khyala.

Mr T.R. Sandhu, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.09.2019

1. The petitioners have filed the present petition, *inter alia*, praying that FIR No. 21/2018 under Sections 498-A/406 of the IPC registered at P.S. Khyala and all other proceedings arising therefrom, be quashed.
2. The said FIR was registered at the instance of respondent no.2 (Ms. Loveleen). She is present in Court and is identified by the Investigating Officer.
3. Respondent no.2 states that she has settled all her disputes with the petitioners. The terms of settlement are set out in the affidavit affirmed by her on 29.04.2019. A copy of the said affidavit is annexed with this petition as Annexure P-6. She states that she has no further grievance against the petitioners, however, she does require to visit her minor child, who is in the custody of petitioner no.1.

4. The petitioners are also present in Court. They are identified by their counsel. They state that they have no grievance against respondent no.2.

5. In the terms of the compromise arrived at between petitioner no.1 and respondent no.2, petitioner no.1 had agreed to pay a sum of ₹10 lakhs to respondent no.2. Out of the said amount, a sum of ₹8 lakhs has already been paid to respondent no.2. The petitioners now tender the balance sum of ₹2 lakhs by way of a demand draft (bearing No. 804321 dated 28.08.2019). A photocopy of the demand draft is taken on record.

6. Respondent no.2 accepts the said demand draft in full and final settlement of all her claims. She states that she has no further grievances or claims against the petitioners.

7. Insofar as respondent no.2's request that she be allowed visitation right to her child is concerned, it is noticed that respondent no.2 had voluntarily agreed not to claim any visitation rights and the same is recorded in the judgment dated 29.03.2019 passed by the Family Court, West District, Tis Hazari Courts, Delhi in HMA No. 432/2019 captioned '*Sh Susshil Kumar v. Smt Loveleen*'. However, the learned counsel appearing for the petitioners states that the petitioners have no objection in permitting respondent no.2 to visit the said child. In this view, it would be open for respondent no.2 to move an appropriate application before the Family Court to seek visitation rights regarding her minor child. The parties further agree that the parties shall apply for the said application to be considered favourably, notwithstanding the judgement dated 29.03.2019.

8. In view of the statements made by the petitioners and respondent no.2, this Court considers it apposite to quash FIR No. 0021/2018 under Sections 498-A/406 of the IPC registered at P.S. Khyala. Further, all the

proceedings arising therefrom, are quashed.

9. The petitioners and respondent no.2 shall sign this order as an acknowledgement of the statements recorded herein.

10. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

SEPTEMBER 19, 2019/pkv