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

+ **W.P.(CRL) 3286/2018**

HITENDER & ORS.

..... Petitioner

Represented by: **Mr. Yudhvir Singh Chauhan, Adv.**

versus

STATE & ANR.

..... Respondent

Represented by: **Ms. Kamna Vohra, ASC with WSI
Akanksha PS Bawana.
Mr. Narender Singh, Adv. for R-2
with R-2 in person.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

29.01.2019

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By the present petition the petitioners seek quashing of FIR No. 85/2017 under Sections 498A/377/506/406/34 IPC registered at PS Bawana, 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 were arrayed as accused, however the charge-sheet has been filed keeping petitioner No.1, 4 and in column No.11 and petitioners No.2 and 3 in column No.12 and they have not been summoned by the learned Trial Court. She states that the respondent No.2 is the only complainant/ victim.

W.P.(CRL) 3286/2018

page 1 of 3

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 before the counselling cell, Family Courts (North-West) District, Rohini on 22nd January, 2018 pursuant where to divorce by mutual consent has been granted between the petitioner No.1 and respondent No.2. Respondent No.2 has not claimed any maintenance, alimony, istridhan, etc., from the petitioners and has now no claim whatsoever against them. She states that she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and will abide by the terms of settlement arrived at between the parties.

Petitioners No.1, 2, 4 & 9 are present in Court and are identified by the learned counsel who affirm the statement of respondent No.2. Since petitioner No.3 has not been summoned, his presence is exempted.

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. 85/2017 under Sections 498A/377/506/406/34 IPC registered at PS Bawana, 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.

JANUARY 29, 2019
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MUKTA GUPTA, J.