

\$~45

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

+ **W.P.(CRL) 3855/2018**

ANKIT MALHOTRA & ORS

..... Petitioner

Represented by: Mr. Sahil Munjal, Mr. Rhoit Tyagi,
Advvs.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: Mr. Avi Singh, ASC with Mr. Tanuj
Bhadana, Adv. with SI Mohit Asiwali
Ms. Sanjela Gupta, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.01.2019

%

By the present petition the petitioners seek quashing of FIR No. 85/2018 under Sections 406/498A/34 IPC registered at PS Patel Nagar, 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.

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 23rd September,

W.P.(CRL) 3855/2018

page 1 of 3

2018 copy whereof is annexed as Annexure P-2 to the present petition. In terms of the settlement divorce by mutual consent has already been granted between the petitioner No.1 and respondent No.2. In lieu of all her claims of istridhan, alimony, maintenance, etc., respondent No.2 is to get a total sum of ₹26 lakhs out of which she has already received ₹18 lakhs and the balance amount of ₹8 lakhs has been received by her today in Court by way of demand draft No. '179007' drawn on Axis Bank. 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. She undertakes to abide by the terms of settlement arrived at between the parties.

Petitioners 2 to 5 are present in Court and are identified by the learned Counsel. Petitioner No.1 is working in Merchant Navy and has thus executed a power of attorney in favour of his mother i.e. petitioner No.3 which has been placed on record on 17th January, 2019. Petitioners No. 2, 4 & 5 and petitioner No.3 on her behalf and on behalf of petitioner No.1 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. 85/2018 under Sections 406/498A/34 IPC registered at PS Patel Nagar, 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.

JANUARY 22, 2019
‘ga’