

# Dinesh Kumar & Ors vs State & Anr on 24 August, 2021

**Author: Mukta Gupta**

**Bench: Mukta Gupta**

\$~4 (2020)

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1103/2020

DINESH KUMAR & ORS.

..... Petitioner

Represented by: Mr. Parivesh Singh, Adv.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Tarang Srivastava, APP for State  
with SI Billu Singh, PS CWC

Nanakpura.

Ms. Ruchi Ahuja/ R-2 through VC.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% 24.08.2021 The hearing has been conducted through Video Conferencing. CRL.M.A. 4351/2020 (delay in re-filing)

1. Delay of 34 days in re-filing the petition is condoned.

2. Application is disposed of.

1. By this petition the petitioners seek quashing of FIR No. 40/2010 under Sections 498-A/406/34 IPC registered at PS CAW Cell, Nanakpura on the complaint of respondent No.2 on the ground that parties have settled the matter.

2. Learned APP for the State submits that in the above-noted FIR the three petitioners are the accused and respondent No.2 the complainant/ victim.

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3. Respondent No.2 is present through video conferencing and is identified by the investigating officer. She states that the present petition is not a joint petition and has been filed by the petitioners, thus some of the averments in the petition claiming that the allegations in the FIR are not substantiated or that the respondent did not participate in the proceedings are denied by her. However, she agrees that a settlement has been arrived at between the petitioners and respondent No.2 vide the settlement deed dated 16th November, 2018 copy whereof is annexed as Annexure P-2

to the present petition. In terms of the settlement divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony, etc., respondent No.2 was to receive a total amount of 19 lakhs which she has already received and she has now no claim whatsoever against the petitioners. She states that from the wedlock of petitioner No.1 and respondent No.2 a minor child Baby Deetya was born who will remain in the custody of respondent No.2 and the petitioner No.1 would have visitation rights to meet the child on every first and third Saturday of each month at the Children's Room, Family Court, Saket. She further states that there are certain arrears of maintenance which she does not press and gives up. She does not wish to pursue the above- noted FIR and the proceedings pursuant thereto and undertakes to abide by the terms of settlement arrived at between the parties. She also states that all proceedings/ complaints/ cases/ appeals filed by her in various Courts have since been withdrawn and she will not institute any litigation in respect of matrimonial disputes between the parties.

4. Petitioners who are present through video conferencing and are identified by the learned counsel affirm the statement of respondent No.2 CRL.M.C. 1103/2020 Page 2 of Signed and undertake to abide by the terms of settlement arrived at between the parties. They also state that since this is not a joint petition, averments mentioned in the petition will not be deemed to be made by the respondent No.2 except entering into the settlement deed dated 16 th November, 2018. They further states that all litigations in relation to the petitioners and respondent No.2 filed by the petitioners or on their behalf have already been withdrawn and no further litigation will be instituted.

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. 40/2010 under Sections 498-A/406/34 IPC registered at PS CAW Cell, Nanakpura, Delhi and proceedings pursuant thereto are hereby quashed.

7. Petition is disposed of.

8. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

AUGUST 24, 2021  
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