

Dinesh Kumar & Ors vs The State (Govt Of Nct Of Delhi) & Anr on 6 February, 2019

Author: Mukta Gupta

Bench: Mukta Gupta

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 388/2019
DINESH KUMAR & ORS Petitioner
Represented by: Mr. Rajendra Prasad Sarwan and Mr.
Avinash Choudhary, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI)
& ANR Respondent
Represented by: Ms. Kamna Vohra, ASC for the State
with SI Pritosh, PS Burari.
Ms. Reena Luka, Advocate for R-2.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA
ORDER

% 06.02.2019 Crl.M.A. No. 2788/2019 (Exemption) Allowed, subject to all just exceptions.

W.P.(CRL) 388/2019

1. By this petition, the petitioners seek quashing of FIR No. 900/2014 under Sections 498A/406/34 IPC registered at PS Burari on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned counsel for the petitioners has handed over a copy of the settlement arrived at between the parties before the counselling cell which is taken on record.

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3. Learned Additional Standing Counsel for the State on instructions submits that though in the FIR 12 accused were arrayed, however, charge sheet has been filed only against petitioner Nos. 1, 2 and 3 and petitioner Nos. 4 to 12 have been kept in Column No. 12. She further states that respondent No.2 is the only complainant/victim.

4. Respondent No.2 who is present in Court and is identified by the learned counsel and the Investigating Officer states that she has settled the matter with the petitioners before the

Counselling Cell, Family Courts, Tis Hazari Courts, Delhi on 29th January, 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 7,50,000/- to respondent No.2 out of which she has already received a sum of 4,50,000/- and the balance amount of 3,00,000/- has been received by her today in Court as Kisan Vikas Patra in the name of minor daughter, namely, Drishti Rani. She further states that the minor daughter born from the wedlock on 21st October, 2010, namely, Drishti Rani, will remain in the care and custody of respondent No. 2 and the petitioners will neither have the custody nor the visiting rights. She states that she has now no claim whatsoever remaining against the petitioners and does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto. She further undertakes to abide by the terms of settlement arrived at between the parties.

5. Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by W.P.(CRL) 388/2019 page 2 of 3 the terms of settlement arrived at between the parties.

6. 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.

7. Consequently, FIR No. 900/2014 under Sections 498A/406/34 IPC registered at PS Burari and proceedings pursuant thereto are hereby quashed.

8. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

9. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 06, 2019
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