

Arvind Kumar Saxena vs State (Govt Of Nct Of Delhi) & Anr on 11 January, 2019

Author: Mukta Gupta

Bench: Mukta Gupta

\$~34

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 66/2019
ARVIND KUMAR SAXENA Petitioner
Represented by: Mr. Lohit Ganguly, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondent
Represented by: Mr. R.S. Kundu, ASC with Mr.
Suman Saharan, Mr. Bhagat Singh,
Adv. with SI Sunil Kumar PS
Govind Puri.
M. Anita Sharma, Adv. for R-2 with
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA
ORDER

% 11.01.2019 Exemption allowed subject to just exceptions.

W.P.(CRL) 66/2019 and Crl.M.A. 468/2019 By the present petition the petitioners seek quashing of FIR No. 202/2017 under Sections 279/337/506 IPC registered at PS Govind Puri, 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 the petitioner and respondent No.2 were married and had matrimonial disputes pursuant where to three FIRs W.P.(CRL) 66/2019 page 1 of 3 were registered on the complaint of respondent No.2. The FIR in question i.e. 202/2017 under Sections 279/337/506 IPC registered at PS Govind Puri was investigated and pursuant to the investigation a charge-sheet for offences punishable under Sections 323/341/506 IPC has been filed before the Court of competent jurisdiction by the investigating agency against the petitioner. Thus, the petitioner is the only accused and respondent No.2 the only 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 petitioner before the Mediation Centre,

Saket Courts on 18 th January, 2018 pursuant whereto divorce by mutual consent has been granted between petitioner and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony, etc., she has settled all her disputes with the petitioner on her paying a sum of 3 lakhs to the petitioner, H.No. 624, 3rd Floor at Govind Puri is now in the exclusive ownership and possession of respondent No.2 and the petitioner or his family members have no claim thereon. She states that in terms of the settlement the minor daughter Kanika born from the wedlock on 14th February, 2011 would remain in her care and custody and the petitioner would neither have the custody nor the visitation rights. She states that since she has holistically settled all her disputes with the petitioner and his family members 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 before the mediation centre.

W.P.(CRL) 66/2019 page 2 of 3 Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and undertakes 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. 202/2017 under Sections 279/337/506 IPC registered at PS Govind Puri, Delhi and proceedings pursuant thereto are hereby quashed.

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

Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 11, 2019
'ga'