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% 15.11.2010

Present: Mr. K.C. Jain & Mr. Vivek Jain, Advs. for the
Petitioners with petitioners in person.

Mr. Arvind Gupta, APP for the State with SI
Devender Singh, P.S. CAWC, Nanakpura, Delhi.
Respondent No. 2 in person.

+ Crl. M.C. No. 3490/2010

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Petitioner No. 1 and respondent No. 2 were married on 7th May, 1999 as per Hindu rites and ceremonies. One female child was born from their wedlock sometime in the year 2000. Since 2002, parties started living separately. On a petition filed by petitioner No. 1, ex-parte decree of divorce was passed by the Civil Judge, Senior Division, Ghaziabad, U.P. on 5th February, 2004. Thereafter, respondent No. 2 filed a complaint before the Crime Against Women Cell, pursuant whereof FIR in question under Section 498A/406/34 IPC was registered at police station Bhajanpura. Respondent No. 2 filed an application under Order 9 Rule 13 of the CPC on 2nd April, 2005 praying therein that ex-parte decree of divorce be set aside. The said case is still pending before the Civil Judge, Senior Division, Ghaziabad, U.P.

Now, parties have settled their disputes. Terms of settlement have been recorded in the settlement deed dated 9th June, 2010;

Signature Not Verified

Signing Date: 06.08.2024 17:06:00
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

certified copy whereof has been placed on record (Annexure C at page No. 42). Both the parties shall remain bound by the terms of settlement. In terms of settlement, respondent No. 2 has already withdrawn the petition under Section 125 Cr.P.C. filed by her. A sum of ₹ 3 lacs has already been received by respondent No. 2 from petitioner No. 1, which fact she confirms in the Court today. A demand draft amounting to ₹ 3.5 lacs drawn in the name of minor child of the parties has been handed over to respondent No. 2 by petitioner No. 1 today in the Court. Respondent No. 2 has no objection, if the FIR in question is quashed.

Keeping in mind the settlement arrived at between the parties and in the larger interest, I quash the FIR No. 172/2005 under Sections 498-A/406/34 IPC registered at police station Bhajanpura and the consequent proceedings emanating therefrom.

Petition is disposed of in the above terms.

Copy of the order be given dasti.


A.K. PATHAK, J.

NOVEMBER 15, 2010

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