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% 15.11.2010

Present: Mr. Salar M. Khan and Sridevi Pannikar, Advs. for the Petitioners.

Mr. U.L. Watwani, APP for the State with SI Prem Kumar, P.S. Dwarka, Sector – 23.

Respondent No. 2 in person.

+ Crl. M.A. No. 17330/2010 (exemption)

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Allowed, subject to all just exceptions.

Application stands dispose of.

Crl. M.C. No. 3539/2010 & Crl. M.A. No. 17330/2010(stay)

Petitioner Nos. 1 and 2 were married according to Hindu rites and ceremonies on 12th December, 2002. Due to some temperamental differences they could not live together for long. On the complaint of petitioner No. 2, FIR in question was registered against petitioner Nos. 1 and 3. Petitioner No. 3 is the mother of petitioner No. 1. Now, parties have settled their disputes amicably. They have decided to part ways and have even obtained decree of divorce by mutual consent from the Family Court, Dwarka, New Delhi on 29th September, 2010. Terms of settlement have been recorded in the deed of settlement dated 3rd November, 2009

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.

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(Annexure P-3 at page No. 17). Parties shall remain bound by the terms of settlement. In terms of the settlement, a sum of ₹1,30,000/- had already been paid till the decree of divorce had been passed. A sum of ₹ 70,000/- has been paid by way of demand draft; photocopy whereof has been placed on record. A sum of ₹ 2, 26,000/- is lying deposited in the fixed deposit receipt drawn in favour of petitioner No. 2 and given by petitioner No. 1 at the time of grant of anticipatory bail. Petitioner No. 1 has no objection in case petitioner No. 2 retains this FDR and gets the same encashed. It is further submitted that petitioner No. 1 shall also have no objection if the interest accrued on the FDR is also retained by petitioner No. 2.

Keeping in mind the above facts, in the larger interest, I quash the FIR No. 408/2005 under Sections 498-A/406 IPC registered at police station Dwarka 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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