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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 3137/2011

PANKAJ SHARMA & ORS

Through

..... Petitioner

Mr. V.P. Kaushik, Adv. with
petitioner No. 1 in person.

Versus

STATE & ANR

Through

..... Respondent

Ms Fizani Husain, Addl. PP with SI
Girraj Singh, P.S. Badarpur, Delhi.
Ms. Monika, Adv. for R-2 Jyoti
Sharma.

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

09.11.2011

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This petition under section 482 of Cr. P.C. has been filed by the petitioners for quashing of FIR No. 136/2010 registered under section 498-A/406/34 IPC at P.S. Badarpur and other proceeding arising there from.

Petitioner No. 1 and respondent No. 2 are present in person. They have been identified by their respective counsel. Respondent No. 2 Jyoti Sharma is also identified by IO of the case SI Girraj Singh from P.S. Badarpur. They state that they have settled their matrimonial discord amicably vide memorandum of understanding C-1 dated 28.10.2010. The said memorandum of understanding is taken on

Signature Not Verified

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Certify that the digital file 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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record. They state that they have divorced each other by mutual consent vide judgment and decree dated 18.07.2011. The couple have a daughter Neha out of the wedlock. She is in the custody and care of petitioner No. 1, who is her father and natural guardian. He will continue to have the custody of the child. However, respondent No. 2 shall have visiting rights as per the MOU. The complainant/respondent No. 2 states that after the divorce she is left with no claim or rights of any kind against the petitioners.

In view of the above and in view of the fact that the FIR was a result of matrimonial discord, no useful purpose will be served by continuing with the FIR. Consequently, FIR No. 136/2010 registered under section 498-A/406/34 IPC at P.S. Badarpur and all other proceeding emanating therefrom are hereby quashed.

The petition stands disposed of.


M.L. MEHTA,J

NOVEMBER 09, 2011
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