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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 3860/2011

SUDHIR PHILIPS & ORS

..... Petitioner

Through: Ms. Jasmine Datwani, Advocate

versus

STATE & ORS

..... Respondent

Through: Ms. Jasbir Kaur, APP for State
Mr. J.K. Garg, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

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23.11.2011

Crl. MA 18264/2011 (exemption)

Exemption allowed subject to all just exceptions.

CRL.M.C. 3860/2011

This is a petition under Section 482 Cr.P.C for quashing of FIR No.76/2010 under Section 498A IPC registered with Police Station Ashok Nagar, Delhi and all the consequential proceedings arising therefrom on the ground that the parties inter se have compromised the matter.

The petitioner no.1 Mr. Sudhir Philips and respondent no. Ms. Manish Philips (complainant) are present in person and are identified by their respective counsel. The petitioner no.1 and respondent no.2 have married but on account of matrimonial discord between them, the present FIR was lodged by the complainant. Out of the wedlock two boy children viz. Samikish aged 7 year and master Ahaan aged 3 years were born who are living with her mother and she is taking care of them. The parties have obtained divorce by mutual consent. As per the settlement, the petitioners have to pay Rs.5 lac to the respondent no.2, out of which Rs.3.50 lac has already been paid and the balance of Rs.1.50 is paid today in the court by way of bank draft to the

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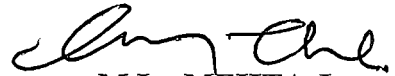
respondent no.2. Respondent no.2 states that since she has compromised the matter with the petitioners, she does not intend to prosecute the abovementioned FIR any further.

Having regard to facts and circumstances of the case and also the fact that the parties inter se have settled the matter, no useful purpose would be served by keeping the abovesaid FIR alive. Consequently, the petition is allowed and the FIR No.76/2010 under Section 498A IPC registered with Police Station Ashok Nagar, Delhi and all the consequential proceedings arising therefrom are hereby quashed.

It is made clear that this is without rights of the two children viz. Samikish aged 7 year and master Ahaan aged 3 years, which may be available to them as per law.

The petition stands disposed of accordingly.

Dasti.


M.L. MEHTA,J

NOVEMBER 23, 2011

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