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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 288/2016

AMIT PANCHAL & ANR

..... Petitioners

Through

Mr Jagat Singh, Adv. alongwith petitioners
in person

versus

STATE & ANR

..... Respondents

Through

Mr Hirein Sharma, Additional Public
Prosecutor for the State alongwith Sub
Inspector Om Prakash Police Station
Badarpur, Delhi
Mr S.K. Srivastava, Adv. for R2 alongwith
R2/ complainant present in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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24.02.2016

This is a petition under Section 482 Cr.PC moved by the petitioners for quashing of FIR No.422/2013 registered at Police Station Badarpur, New Delhi under Sections 323/341/354B/506/34 IPC and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

It is submitted by counsel for the petitioners that the petitioner no.1 is the husband of the respondent no.2 / complainant whereas the petitioner no.2 is her brother-in-law. The petitioner no.1 got married with the respondent no.2 according to Hindu rites and customs however certain differences arose between the parties with the result they started living separately from each other since 05.11.2009. Certain civil cases were filed by the respondent no.2 against the petitioner no.1. Besides that, two FIRs bearing number 422/2013 under Section 323/341/354B/506/34 IPC Police Station Badarpur, Delhi and FIR bearing No.462/2014 under Section 354/506 IPC Police Station Jaitpur, Delhi was registered. The matter was referred to mediation centre, Saket Courts, New Delhi and all the disputes between the parties were amicably settled pursuant to which divorce by mutual consent has already been granted. A sum of Rs.3 lac has already been paid to the complainant and the balance amount of Rs.1,75,000/- is being paid today in the Court in cash to the respondent no.2.

It is submitted by the respondent no.2 / complainant, who is present in person alongwith her counsel (duly identified by the Investigating Officer of the case as well as her counsel) that she has already received Rs.3 lac from son of the petitioner no.1 and Rs.1,75,000/- today in the Court and that after the grant of divorce she has remarried. She further submits that in view of the settlement arrived at between the parties, she does not want to proceed further in the matter and has no objection to quashing of instant FIR. She further submits that she has amicably resolved all disputes with the petitioner voluntarily without there being any threat, coercion or pressure of any sort.

Mr Hirein Sharma, Additional Public Prosecutor for the State submits that in view of the settlement arrived at between the parties, he has no objection to quashing of FIR.

Keeping in view the facts that basically it was a matrimonial dispute which resulted in registration of FIRs and several civil cases. Now, with the intervention of mediation centre, the parties have compromised the matter with each other amicably coupled with the fact that the respondent no.2 has already re-married, no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futility and wastage of precious time of the Court.

Accordingly, the petition is allowed and the FIR No.422/2013 registered at Police Station Badarpur, New Delhi under Sections 323/341/354B/506/34 IPC and consequent proceedings emanating therefrom are hereby quashed.

The petition stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioners.

SUNITA GUPTA, J

FEBRUARY 24, 2016/*rd*