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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1663/2016

RAJKUMAR Petitioner

Through Mr. Pankaj Kumar, Advocate

versus

THE STATE & ANR. Respondent

Through Mr. Hirein Sharma, APP along with SI
Rajesh Kumar Jha, PS Gazipur
Mr. Vipin Kumar, Advocate for R2
along with R-2 in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 02.05.2016

Crl. M.A. No. 7067/2016 (exemption)

Allowed subject to just exceptions.

application stands disposed of.

CRL.M.C. 1663/2016

This is a petition u/s 482 Cr.P.C. for quashing of FIR 393/2013 u/s 323/354 IPC registered with Police Station Ghazipur, Delhi and consequent proceedings emanating therefrom on the ground of settlement.

Counsel for the petitioner submits that the complainant got married with the brother of the petitioner in the year 2004 but the husband of the complainant/R-2 expired on 1.5.2013. After that her in laws started quarrelling with her and refused her to live with them. She has been residing with her parents. On 19th September, 2013 when she went to her in-laws' residence, her jeth misbehaved with her by touching her. He caught her hair and turned her right hand.

Complainant had filed a complaint case against the father and

mother of the petitioner. During the pendency of those proceedings, the matter was referred to the Mediation Centre, Karkardooma Courts, Delhi. The parties have settled all their disputes before the Mediation Cell for a total sum of Rs. 3,10,000/- which was to be paid in four instalments of Rs.77,500/- each on withdrawal of complaints u/s 12 of DV Act, u/Section 19 of Hindu Adoption & Maintenance , u/section 306 IPC, u/s 306, u/s 354 IPC at the time of the quashing of the said FIR.

The respondent No.2/complainant, is present in person (duly identified by the Investigating Officer and her counsel) and admits that she has received three instalments of Rs.77,500/- each and all the cases as referred in the mediation order have already been withdrawn. Today she has received a DD of Rs.77,500/- , photocopy of which has been placed on record. She further submits that she has amicably resolved all the disputes with the petitioner voluntarily without there being any threat, coercion or pressure of any sort and in view of the settlement arrived at between the parties, she does not want any action against the petitioner and does not have any objection to quashing of the instant FIR.

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 the parties have compromised the matter, no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futility and wastage of precious time of the Court.

Accordingly, the petition is allowed and the FIR 393/2013 u/s 323/354 IPC registered with Police Station Ghazipur, Delhi and consequent proceedings emanating therefrom are hereby quashed subject to cost of Rs.15,000/- to be deposited by the petitioner with Delhi High Court

Mediation & Conciliation Centre within two weeks. Receipt of deposit be placed on record.

It is made clear that the parties are bound by the terms of the settlement entered into between them.

The petition stands disposed of accordingly.

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

SUNITA GUPTA, J

MAY 02, 2016/*rs*