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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1446/2016**

SHITANSHU DHAR PATHAK & ORS

..... Petitioners

Through Mr. Rahul Kumar Gautam, Advocate

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through Mr. Rajesh Mahajan, ASC with Mr.

Pecyush Bhatia, Advocate

SI Pratap Singh, PS South Campus

+ **W.P.(CRL) 1448/2016**

JYOTI & ORS

..... Petitioners

Through Mr. Rahul Kumar Gautam, Advocate

Along with the petitioner

versus

THE STATE & ANR

..... Respondents

Through Mr. Sumeet Anand with Mr. Avi

Singh, ASC, for the State

SI Pratap Singh, PS South Campus

Complainant in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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22.07.2016

Shri Shitanshu Kumar Pathak is husband of Ms. Jyoti. Shri B.N. Pathak, Shri Arjun and Shri Manoj are relatives of Shri Shitanshu Dhar Pathak. Shri Rahul and Shri Arjun are relatives of Ms. Jyoti. All of them are present in Court.

Ms. Jyoti filed a complaint before the CAW Cell, Nanakpura, against her husband and relatives alleging harassment on the point of

dowry. On 23.02.2015, the above named persons appeared before the CAW Cell and after counselling, they quarrelled with each other resulting in simple injuries to Ms. Jyoti, Shri Rahul, Shri Arjun and Shri B N Pathak. FIR No.96/2015 under Sections 323/341/34 IPC was registered at Police Station South Campus on the complaint of Ms. Jyoti; whereas cross FIR No. 97/2015 under Sections 323/341/34 IPC was registered at Police Station South Campus on the complainant of Shri Shitanshu Dhar Pathak.

Further counselling was done on subsequent dates and on 28.09.2015, Ms. Jyoti and Shri Shitanshu Dhar Pathak settled their disputes before the Medication Cell of CAW Cell, Nanakpura, on the terms and conditions as stipulated in the Memorandum of Understanding dated 28th September, 2015.

Both the parties have decided to part ways. Shri Shitanshu Dhar Pathak has agreed to pay ₹2 lac to Ms. Jyoti towards full and final settlement of all her claims, which amount she has accepted. They have also decided to take decree of divorce by mutual consent. ₹1 lac was agreed to be paid at the time of first motion and remaining amount has been agreed to be paid at the time of second motion.

It is pointed out that first motion has already been accepted by the Family Court, Dwarka on 02.11.2015 and Rs. 1 lac has already been paid to Ms. Jyoti. As regards the remaining amount of ₹1 lac is concerned, this Court directed Shri Shitanshu Dhar Pathak to deposit with the Registrar General of this Court. The amount has already been deposited and is lying deposited in this Court in the form of a FDR.

In their joint statement dated 02.11.2015, recorded by the Family Court, Dwarka, parties have agreed to cooperate with each other in quashing of the present cross FIRs.

Above named persons submit in Court that both the FIRs be quashed in view of the settlement arrived at between them. In view of the settlement arrived at between the parties in the interest of justice, both the abovenoted FIRs are quashed.

₹1 lac lying deposited in this Court be released to Ms. Jyoti after the second motion is accepted by the Family Court.

Both the petitions are disposed of in the above terms.


A.K. PATHAK, J

JULY 22, 2016
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