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

+ **CRL.M.C. 2058/2016**

RAJENDER PRASAD SAGAR

..... Petitioner

Represented by: Mr. Jitender Kumar, Adv. with
petitioner.

versus

THE GOVT OF NCT OF DELHI & ANR

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Shiv Raj, PS New
Friends Colony.
Mr. Sanjiv Sharma, Adv. for R-
2 with R-2.

+ **CRL.M.C. 3638/2016**

CHHIDDA LAL SAGAR & ORS

..... Petitioner

Represented by: Mr. Jitender Kumar, Adv. with
petitioners.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP
with SI Shiv Raj, PS New
Friends Colony.
Mr. Sanjiv Sharma, Adv. for R-
2 with R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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29.09.2016

Crl.M.A. 15349/2016 in Crl.M.C.3638/2016

Exemption allowed, subject to all just exceptions.

Crl.M.C. Nos. 2058/2016 and 3638/2016

By the two petitions, the Rajender Prasad Sagar, the husband of

Signature Not Verified

Signing Date:30.09.2024 17:20:36
Certify that the digital 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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respondent No.2 in CrI.M.C. 2058/2016 and other family members i.e. four petitioners in CrI.M.C. No.3638/2016 seek quashing of FIR No.402/2005 under Sections 498A/406/34 IPC and Sections 3 and 4 of Dowry Prohibition Act registered at PS New Friends Colony on the complainant of respondent No.2 and proceedings pursuant thereto as the parties have settled the matter.

Learned APPs for the State on instructions submit that all the accused in the above noted FIR have been impleaded as petitioners in the two petitions and besides respondent No.2 there is no other complainant/victim in the above noted FIR.

Respondent No.2 is present in Court and is identified by her counsel and the investigating officer. She states that she has settled the matter with the petitioners. Divorce by mutual consent has been granted between petitioner in CrI.M.C.2058/2016 and respondent No.2. In terms of settlement, she is entitled to receive ₹3.10 lakhs of which she has already received ₹2.10 lakhs and balance amount of ₹1 lakh has been received by her today in Court by way of bank draft No.186055 dated 17th September, 2016 favouring Rahul Sagar under guardianship of Ms. Rinki and she has now no claim whatsoever remaining against the petitioners. She further states that the child named Rahul aged 14 years born out of the said wedlock will remain in her care and custody and the petitioners will have no rights to meet, visit or custody of the child. She states that she does not wish to pursue the above noted FIR and the proceedings pursuant thereto. The petitioners who are present and identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of settlement.

In view of the fact that the parties have amicably resolved their

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differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No.402/2005 under Sections 498A/406/34 IPC and Sections 3 and 4 of Dowry Prohibition Act registered at PS New Friends Colony, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petitions are disposed of. Order dasti.

Mukta Gupta
MUKTA GUPTA, J.

SEPTEMBER 29, 2016
'v mittal'

P1  L.T. 1 of
chhidola Lal Sagun

I have received R.D. vide No. 186055
dt. 17-9-16 for a sum of Rs One Lakh
drawn on Corporation Bank, Jaipur, N.D.

P2  R.T. 1 of
Smt Kiran Devi

P3 श्रीम 2161

Rishi

P4 गुजरात देवी

I identify the Respondent No. 2.

Syiv Shree
D-1330/03.

I identify the signature/thumb
of Petitioner No 1 to 4

Titender Raj
D-610705

I identify the No 2

SHIVRAJ
NO 5770D
28821054