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

+ **W.P.(CRL) 1101/2017**

GAURAV DIXIT AND ORS Petitioner
Through: Mr.S.V.Vats, Adv.

versus

STATE NCT OF DELHI Respondent
Through: Ms.Kamna Vohra, ASC.
Mr.A.K.Mishra, Adv. for R-2 with
respondent No.2 in person.
SI Janak Singh, P.S.New Friends
Colony.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **17.04.2017**

Crl.M.A.6163/2017

Exemption allowed, subject to all just exceptions.

Application is disposed of accordingly.

W.P.(CRL) 1101/2017

The petitioner No.1 is the husband of respondent No.2 whereas petitioner Nos.2 & 3 are the parents of petitioner No.1.

The present petition has been filed seeking quashing of the first information report bearing No.398/2016 instituted under Sections 406/420/34 IPC with New Friends Colony police station.

The marriage of petitioner No.1 was solemnised with respondent No.2 in the year 2011. The marriage could not, unfortunately, subsist. Because of the spouses having reasoned out that continuing with protracted litigation

would not be of any benefit to either of them, they effected a settlement sometimes in the month of October, 2011. Pursuant to such settlement the petitioner No.1 had to pay Rs.1 crore to respondent No.2.

Out of that settled amount, Rs.75 lakhs was admittedly paid to respondent No.2. Because of the non payment of the balance amount of Rs.25 lakhs, the present FIR, which is sought to be quashed was instituted. While the petitioners were before the Court below, seeking bail in the aforesaid FIR, a further settlement was arrived at, though not exactly in supersession of the earlier settlement but only as a sequel to the earlier settlement. In the aforesaid settlement, it was agreed upon between the parties that the balance amount of Rs.25 lakhs shall be paid; Rs.5 lakhs to be paid immediately after the settlement was arrived at and Rs.20 lakhs to be paid at the time of quashing of the first information report which was lodged later. The learned counsel appearing for the petitioner is in possession of a demand draft of Rs.20 lakhs drawn on Yes Bank Ltd bearing No.885876 dated 13.04.2017 in favour of respondent No.2.

The petitioners as well as the respondent No.2 are present in Court. Respondent No.2 does not have any objection to the FIR being quashed.

The draft of Rs.20 lakhs is handed over to the respondent No.2 in the presence of her counsel.

Considering the fact that the entire dispute between the parties arose out of matrimonial discord and ultimately the issues were settled between them, this Court is inclined to quash the first information report bearing No.398/2016 instituted under Sections 406/420/34 IPC with New Friends Colony police station as no useful purpose would be served in keeping this prosecution pending as against the petitioners.

Considering the aforementioned facts, FIR No.398/2016 (P.S.New Friends Colony) and all other proceedings emanating therefrom are quashed.

The cheque of Rs.20 lakhs which was given to the respondent No.2 as security, before the Trial Court has already been returned to the petitioner No.1.

The petition is allowed and is disposed of accordingly.

ASHUTOSH KUMAR, J

APRIL 17, 2017

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