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

+ W.P.(CRL) 3202/2017

RAKESH YADAV & ORS

..... Petitioners

Through: Mr.Ganesh Yadav, Advocate with
Mr.R.R.Raju, Advocate

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr.Jamal Akhtar, Standing Counsel (Crl.)
with ASI Vinod Kumar, PS Bhalswa Dairy

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **17.11.2017**

Crl.M.A.No.18887/2017

Allowed subject to just exceptions.

W.P.(Crl.)No.3202/2017

FIR No.318/2016, Police Station, Bhalswa Dairy, Delhi, under Sections 498/406/34 IPC was registered on the complaint of respondent No.2, Kusum, daughter of Sh. Chander Bhan Yadav alleging offences against her by the petitioners. The matter relates primarily to matrimonial discord. However, the parties have settled their differences by way of a settlement agreement dated 10.01.2017. The matrimonial relationship between the complainant and her husband Mr. Rakesh Yadav viz. petitioner No. 1 was dissolved by way of a decree of divorce dated 25.08.2017. This petition for quashing of the FIR is in terms of the aforesaid settlement.

The complainant-respondent No. 2, Ms. Kusum, has been identified by the Investigating Officer as well as Mr. Mukesh Kalia, Advocate, who is present in Court and has been appointed as her counsel for the day. Copy of her identity card is taken on record. She states that she is not interested in pursuing the complaint against the petitioners and has resolved her differences with them.

The complainant had to receive Rs.4 lacs vide settlement agreement dated 10.01.2017. Today she has received the remaining amount of Rs.1.5 lacs by way of a cheque bearing No.713170, dated 14.09.2017, drawn on State Bank of India, in her favour.

Since respondent No.2 does not wish to pursue the grievances against the petitioners, the substratum of the FIR is largely removed and any further proceedings arising therefrom would be an exercise in futility. Therefore, keeping the FIR alive would serve no purpose and interest of justice would be served if it is quashed.

The Court is of the view that a case is made out for quashing of FIR No.1100/2014 under sections 498A/406/34 of IPC registered with P.S. Karawal Nagar, Delhi. Accordingly, the said FIR and all proceedings emanating from it are hereby quashed.

The petition is disposed off in the above terms.

NAJMI WAZIRI, J.

NOVEMBER 17, 2017

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