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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 3215/2017
SHOBIT GUPTA @ MONU & ORS Petitioners
Through: Mr. Lokesh Bharti, Adv.

Versus

STATE OF GOVT OF NCT DELHI & ANR Respondents
Through: Mr. O.P. Mishra, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **20.11.2017**

This petition seeks quashing of FIR No.535/2013 under section 323/498-A/406/34 IPC registered at Police Station Sangam Vihar, Delhi. The parties are present in the Court today. They have been identified by their respective counsel. Photocopy of Aadhaar card of respondent No. 2/complainant Ms. Sita Kumari is taken on record. Her matrimonial dispute has now been dissolved by way of a decree of divorce dated 20.04.2015. She has also resolved all her disputes with the petitioners, as is recorded in the order of the Second Motion, of the Family Court (South), Saket, New Delhi, which, *inter alia*, reads as under:

“3.1 The petitioners have further stated that their marriage was duly consummated but no child was born out of this wedlock ; both the petitioners have been living separately since 04.07.2013 ; there are no chances of reconciliation between them and they have not cohabited with each other since the date of their separation and even after passing of order dated 14.11.2014 in the first motion petition.

The petitioners have also stated that they have amicably resolved all their disputes with respect to istridhan, permanent alimony and maintenance (past, present & future) with the Intervention of Mediator at Mediation Centre, Saket Courts, Delhi vide order dated 25.01.2014, Ex.P4.

3.2 As per settlement. It has been agreed that petitioner no.1/husband shall pay a total sum of Rs.6,75,000/- to petitioner no.2/wife In full and final settlement of all her claims qua Istridhan, permanent alimony as well as maintenance (past, present and future). Out of the settled amount of Rs.6,75,000/-, petitioner no.2/wife has already received Rs.3,75,000/- from petitioner no.1/husband. Petitioner no.2/wife also received an amount of Rs.2,00,000/- vide DD No.876599 dated 12.03.2015 drawn on Syndicate Bank, Branch : Dayal Bagh Road, Agra at the time of recording of statement In this petition.

3.3 It has also been agreed that the balance sum of Rs.1,00,000/- shall be paid by petitioner no.1/husband to petitioner no.2/wife at the time of quashing of FIR No.535/13 u/Ss.498A/406/323/34 I PC PS Sangam Vihar. Petitioner no.2/wife undertook to cooperate the petitioner no.1/husband in quashing of above mentioned FIR before the Hon'ble High Court. Both the petitioners also stated that, now they are left with no claims of any kind whatsoever against each other.”

Of the settlement amount of Rs. 6,75,000/- only an amount of Rs.1,00,000/- remains to be paid to respondent no. 2. The latter amount has been handed over to her in the Court through her counsel Mr. O.P. Mishra. She states that she does not wish to pursue any complaint or any proceedings against the petitioners with respect to

the aforesaid FIR and all her disputes apropos them stand settled. The parties undertake to abide by the terms of the aforesaid decree. Their undertaking is accepted. In the aforesaid circumstance, keeping the FIR alive would be of no consequence and any proceedings emanating from it would be an exercise in futility. It would be in the interest of justice if the FIR is quashed. Accordingly, FIR No. 535/2013 under section 323/498-A/406/34 IPC registered at Police Station Sangam Vihar, Delhi and all proceedings emanating therefrom are hereby quashed.

The petition stands allowed.

NAJMI WAZIRI, J.

NOVEMBER 20, 2017/acm