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

+ CRL.M.C. 5425/2017 & CrI. M.A. No. 21183/2017

MANISH KUMAR KANOJIA & ANR.

..... Petitioners

Through

Ms. Meenu Juneja and Mr. Saurabh
Khaneja, Advs. with petitioners in
person

Versus

STATE & ANR.

..... Respondents

Through

Mr. G.M. Farooqui, APP with SI
Manoj Kumar, P.S. K. Khas for
respondent no. 1
Mr. R.A. Sharma, Adv. with
respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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21.12.2017

Respondent no. 2 Ms. Neelam is present in Court along with her counsel and has been identified SI Manoj Kumar of police station Khajuri Khas. Respondent no. 2 admits having settled the matter with petitioner no. 1 of her own free will, voluntarily and without any undue force, pressure or coercion. Respondent no. 2 submits that her marriage with the petitioner no. 1 has already been dissolved by a decree of divorce by mutual consent dated 4th October, 2016 passed by the Family Courts, North East District, Delhi. Petitioner no. 1 has paid ₹40,000/- to the respondent no. 2 towards balance

settled amount vide a cheque no. 215218 dated 21st December, 2017 drawn on IDBI Bank, Shastri Nagar, Meerut, U.P., which has been accepted by her, subject to its encashment. Respondent no. 2 submits that entire settled amount stands paid with this payment. She submits that she is not willing to pursue the FIR any further against the petitioner no. 1 and his relative, that is, petitioner no. 2 and the same may be quashed.

Keeping in mind the facts and circumstances as detailed above, more particularly, the fact that marriage of petitioner no. 1 and respondent no. 2 has already been dissolved by a decree of divorce by mutual consent, in the interest of justice, FIR No.81/2013 under Sections 498-A/406/34 IPC registered at Police Station Khajuri Khas and the consequent proceedings emanating therefrom are quashed, subject to encashment of the aforesaid cheque.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

DECEMBER 21, 2017
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