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

+ **W.P.(CRL) 1135/2018**

GAURAV KUMAR BANCHARIYA & ORS ... Petitioners

Represented by: Mr.Faisal Naseem with
Mr.Dipanshu Sharma and
Ms.Mahetaba Asrar, Advocates

versus

STATE (NCT OF DELHI) & ANR ... Respondents

Represented by: Mr.Avi Singh, ASC for the
State with Ms.Suman Saharan,
proxy counsel for Mr.R.S.
Kundu, ASC for the State
ASI Laxmi, PS CWC Malviya
Nagar
Mr.Jitender Chaudhary with
Mr.Mohit Singh, Advocate for
respondent No.2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.07.2018

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By the present petition, the petitioners seek quashing of FIR No.79/2017 under Sections 498A/406/34 IPC registered at Crime Against Women Cell, Malviya Nagar, New Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the six petitioners are the only accused

and the respondent No.2 is the only complainant/ victim.

Respondent No. 2 who is present in Court and is identified by the learned counsel and Investigating Officer states that she has settled the matter with the petitioners vide Memorandum of Understanding dated 24th July, 2017, copy whereof is annexed as Annexure-B to the present petition. In terms of the settlement marriage between the Petitioner No.1 and Respondent No.2/complainant has been dissolved by a decree of divorce by mutual consent. In full and final settlement of all her claims i.e. maintenance, streedhan and alimony etc. respondent No. 2 is entitled to receive a sum of ₹8,00,000/- out of which she has already received ₹5,50,000/- and the balance amount of ₹2,50,000/- has been received by her today in Court by vide Bankers Cheque No.497239 dated 7th June, 2018. She states that she has no claim whatsoever remaining against the petitioners and in terms of the settlement she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto. She further states that she will abide by the terms of Memorandum of Understanding dated 24th July, 2017 arrived at between the parties.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of settlement dated 24th July, 2017 arrived at between the parties.

In view of the fact that the parties have amicably resolved their 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.79/2017 under Sections 498A/406/34 IPC registered at Crime Against Women Cell, Malviya Nagar, New Delhi and proceedings pursuant thereto are hereby quashed.

Petition is disposed of. Order Dasti.

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

MUKTA GUPTA, J.

JULY 23, 2018

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