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

+ **W.P.(CRL) 3269/2018**

DEEPAK KHANDELWAL

..... Petitioner

Through: Ms.Nandita Mishra, Advocate with
Petitioner in person

versus

STATE & ANR

..... Respondents

Through: Ms.Nandita Rao, ASC for the State with SI
Amit Dutt, PS Lajpat Nagar
Mr.Ajay Kumar Chopra, Advocate for R-2
with R-2 in person

+ **W.P.(CRL) 3284/2018**

DEEPAK KHANDELWAL

..... Petitioner

Through: Ms.Nandita Mishra, Advocate with
Petitioner in person

versus

STATE & ANR

..... Respondents

Through: Ms.Nandita Rao, ASC for the State with SI
Amit Dutt, PS Lajpat Nagar
Mr.Ajay Kumar Chopra, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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10.12.2018

1. By these two petitions, the petitioner seeks quashing of FIR

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No.349/2013 under Section 498A IPC and Section 66-A of the Information Technology Act, 2000 (in short IT Act) and FIR No.738/2014 under Section 376-B IPC both registered at PS Lajpat Nagar, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned Additional Standing Counsel for the State on instructions submits that both the FIRs arise out of the matrimonial dispute between the petitioner and respondent No.2 wherein the petitioner is the only accused and the respondent No.2 is the only complainant/victim.

3. 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 petitioner before the Mediation Centre, Saket Courts on 15th December, 2014 however since the settlement could not be fully acted upon between the parties and there were differences resulting in registration of FIR No.738/2011 under Section 376-B IPC the parties further entered into a settlement by memorandum of understanding which was filed in the Court while recording statement for first motion for divorce by mutual consent. In terms of the settlement, divorce by mutual consent has been granted between petitioner and respondent No.2. Since the parties have settled the matter and parted company peacefully the respondent No.2 does not wish to pursue the abovementioned two FIRs and the proceedings pursuant thereto. She further states that she has no claim whatsoever remaining against the petitioner and undertakes to abide by the terms of settlement as arrived between the parties vide memorandum of understanding.

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4. Petitioner who is present in Court and are identified by the learned counsel affirms the statement of respondent No.2 and undertakes to abide by the terms of settlement arrived at between the parties vide memorandum of understanding.
5. 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.
6. Consequently, FIR No.349/2013 under Section 498A IPC and Section 66-A of the Information Technology Act, 2000 (in short IT Act) and FIR No.738/2014 under Section 376-B IPC both registered at PS Lajpat Nagar, Delhi and proceedings pursuant thereto are hereby quashed.
7. Parties have signed this order sheet in acknowledgment of their statements made before this Court.
8. Petition is disposed of. Order dasti.

Mukta Gupta
MUKTA GUPTA, J.

DECEMBER 10, 2018

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P-1
Identified
Nandini Mishra
BR/983/14

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R-2
Identified
R-2
Agcy/A
148/1997(R)
Identified R-2
SI Anil Dutt
D-4435
PS Lajpat Nagar
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