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

+ CRL.M.C. 2337/2018

RAJAT TALIYAN @ RAJAT KUMAR & ANR Petitioners

Through: Mr.Dinesh Garg, Advocate with
petitioners in person.

versus

STATE (NCT OF DELHI) & ORS Respondents

Through: Mr.Amit Chadda, APP for the State
with SI Narender Pal Pant, PS GTB
Enclave.
Respondent No.2/complainant in
person.

CORAM:

HON'BLE MR. JUSTICE PRATIBHA RANI

ORDER

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03.05.2018

1. The present petition has been filed by the Petitioners under Section 482 Cr.P.C. for quashing of FIR No.61/2009, under Sections 498-A/406/34 IPC registered at P.S. Mansarovar Park, District Shahdara, Delhi and the proceedings emanating therefrom, on the basis of settlement arrived at between the parties.

2. Notice. Learned APP for the State/R-1 accepts notice. Respondent No.2 is present in person and accepts notice.

3. Briefly stating the facts of the present case are that respondent No.2 got married to petitioner No.1 on 10.03.2007 according to Hindu rites and ceremonies. However, due to some temperamental differences, the

respondent No.2 left the matrimonial home and started living separately since 23.09.2008. Thereafter, the respondent No.2 filed a criminal complaint against the petitioners which resulted into registration of FIR in question.

4. It is mentioned in the petition that during the pendency of above proceedings, the parties arrived at an amicable settlement before the Mediation Centre, Karkardooma Court vide compromise dated 06.10.2017 and agreed to dissolve their marriage by a decree of divorce by mutual consent. Certified copy of the settlement has been placed on record as Annexure-P4.

5. In terms of full and final settlement arrived at between the parties before the Mediation Centre, Karkardoom Court, today learned counsel for the petitioners has handed over to respondent No.2 a sum of Rs.5 lakhs by way of Demand Draft No.092227 dated 11.04.2018, which the respondent No.2 has accepted. Copy of the demand draft has also been placed on record.

6. Respondent No.2 is present in person and submits that she has settled the matter with the petitioners before Mediation Centre, Karkardooma Court, Delhi and in terms of said settlement, today she has received Rs.5 lakhs by way of demand draft from the petitioners. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioners.

7. Learned counsel for the petitioners submits that after the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioners, therefore the FIR in question and criminal proceedings emanating therefrom may be quashed.

8. In view of the legal position laid down in the decision reported as Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257 and the amicable settlement arrived at between the parties before the Mediation Centre, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

9. Accordingly, the petition is allowed and FIR No.61/2009, under Sections 498-A/406/34 IPC registered at P.S. Mansarovar Park, District Shahdara, Delhi and consequential proceedings arising therefrom are hereby quashed. The Parties shall remain bound by the terms and conditions of settlement dated 06.10.2017 arrived at before Mediation Centre, Karkardooma Courts, copy of which is placed on record as Annexure-P4.

Order dasti.

PRATIBHA RANI, J.

MAY 03, 2018

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