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

+ **CRL.M.C. 3442/2018**

RAEES & ANR

..... Petitioners

Through: Mr. Sanjay Rohatgi, Adv.

versus

THE STATE & ANR

..... Respondents

Through: Mr. Izhar Ahmad, APP for State with
SI Davender, P.S. Dabri.

Mr. B.L. Gupta, Adv. for R-2 along
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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13.07.2018

Crl. M.A. 12498/2018

Delay condoned.

Application is disposed of.

Crl. M.C. 3442/2018

Notice. Learned APP accepts notice for respondent no.1. Respondent no.2 is also present in Court along with her counsel, who accepts notice. She has been identified by SI Devender of police station Dabri. She submits that she has settled the matter with the petitioner no.1 of her own free will and without any undue force, pressure or coercion which has even been recorded in the order dated 16th August, 2017 passed in Crl. Rev. P. 406/2013. The order dated 16th August, 2017 passed by a Bench of

coordinate jurisdiction reads as under :-

“The petitioner and respondent No.1 are present in Court.

It has been submitted that there has been a settlement and the settlement agreement has been brought on record.

Pursuant to the settlement, it has been agreed upon that the petitioner and respondent No.1 shall continue to live separately as they were doing in the past. It has further been agreed upon that the daughter, Muskaan, shall be maintained by the petitioner and she shall remain in the custody of the respondent No.1. The petitioner has undertaken to pay a monthly maintenance amount of ₹6000/- to the respondent No.1 on or before the 10th day of each English Calendar month without default. In case of default, he is amenable to the contempt jurisdiction of this Court. The petitioner has also volunteered to pay an amount over and above the monthly maintenance as and when required towards the higher education and marriage of Muskaan.

As part of the settlement between the parties, the respondent No.1 has agreed to facilitate the quashing of the FIR which has been lodged by her against the petitioner. Necessary steps shall be taken by the petitioner and the respondent No.1 in that regard.

The petitioner and respondent No.1 are present in Court.

In view of the settlement, the petitioner seeks permission to withdraw the present revision petition.

In view of the settlement, this revision petition is permitted to be withdrawn.

Dismissed as withdrawn.”

Respondent no.2 further submits that she has no objection in case FIR No. 205/2007 under Sections 498A/406/34 IPC registered at police station Dabri and the consequent proceedings emanating therefrom are quashed against the petitioners. Affidavit of respondent no.2 in this regard is also on

record at pages 17-18.

Keeping in view the settlement arrived at between the petitioner no.1 and respondent no.2 voluntarily, in my view, no fruitful purpose would be served in keeping the criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

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

Dasti.

A.K. PATHAK, J.

JULY 13, 2018

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