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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2880/2018

HIMANSHU KAUSHIK & ORS

..... Petitioners

Through

Ms. Richa Sharma, Mr. Sanjay Sharma
& Mr. Karan Sachdeva, Advs

versus

THE STATE (GOVT. OF NCT OF DELHI)& ANR

..... Respondent

Through

Ms. Aasha Tiwari, APP
SI Ankur, PS Punjabi Bagh
Mr. Raqib Gayyur, Adv for R-2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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20.08.2018

Notice could not be issued to respondent no.2 as steps were not taken. However, respondent no.2 is present in the Court with her counsel and has been identified by SI Ankur of police station Punjabi Bagh.

Respondent no.2 submits that she has settled the matter with petitioner no.1 of her own free will and without any undue force, pressure or coercion before Mediation Cell, Tis Hazari Courts, Delhi on 28th October, 2016. Respondent no. 2 submits that her marriage with petitioner no.1 has already been dissolved by a decree of divorce by mutual consent dated 23rd January, 2018 passed by the Family Courts, North District, Rohini Courts, Delhi.

Petitioner no. 1 has handed over an FDR in the name of minor child Naivadya Kaushik to the respondent no. 2 in the Court today, photocopy whereof has been placed on record. Respondent no. 2 says

that entire settled amount stands paid with this payment and she has no objection in case FIR no. 705/2015 under Sections 498-A/406/34 IPC registered at police station Punjabi Bagh and consequent proceedings emanating therefrom are quashed against the petitioner no. 1 and his relatives, that is, petitioner nos. 2 to 5.

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

Petition is disposed of in the above terms. *Dasti.*

A.K. PATHAK, J

AUGUST 20, 2018

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