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

+ **CRL.M.C. 4774/2018**

SHIVA & ANR.

..... Petitioners

Through: Mr. Navneet Singh Chauhan, Adv.
versus

STATE & ORS.

..... Respondents

Through: Ms. Manjit Arya, APP for State with
SI Sunder Singh, P.S. BHD Nagar.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.09.2018

Notice. Learned APP accepts notice for respondent no. 1. Respondent no.2-Ms. Shikha is present in Court and accepts notice. She has been identified by SI Sunder Singh of police station BHD Nagar.

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 vide Memorandum of Understanding dated 20.07.2018. She further submits that first motion for divorce by mutual consent under Section 13-B(1) of the Hindu Marriage Act, 1955 has already been accepted by the Family Court, inasmuch as, she has received ₹3 lacs from petitioner no.1 out of the total settled amount of ₹6 lacs. She has no objection in case complaint case bearing CC No. 5005456/2016 titled Shikha Vs. Shiva pending before learned Metropolitan Magistrate, Dwarka Courts, New Delhi is quashed

against the petitioner no.1 and his relatives, that is, petitioner nos. 2 and 3, subject to petitioner no.1 cooperating with her in filing second motion and paying balance settled amount of ₹3 lacs at the time of acceptance of second motion by the Family Court.

Keeping in mind the settlement arrived at between the petitioner no.1 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 complaint case is quashed, subject to petitioner no.1 cooperating with respondent no.2 in filing second motion and paying balance settled amount of ₹3 lacs to her at the time of acceptance of second motion by the Family Court.

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

Dasti.

A.K. PATHAK, J.

SEPTEMBER 19, 2018

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