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

+ CRL.M.C. 5390/2018 & CrI.M.A.34736/2018

GAURAV SETHI & ORS

..... Petitioners

Through: Mr. Dalip Kumar Chhabra & Mr.
Naman Chhabra, Advocates

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Ashish Dutta, APP with ASI
Chatar, PS:Keshav Puram, New Delhi
Mr. Naman Gauba, Advocate for the
complainant

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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23.10.2018

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.835/2014 under Sections 498A/406/34 of the Indian Penal Code, 1860 (IPC), registered with PS: Keshavpuram, Delhi and the proceedings emanating therefrom.

Respondent No.2, present in Court, is duly identified by her counsel as well as the Investigating Officer. Respondent No.2 submitted that she has entered into settlement with the petitioners on her own free will and consent, without any force or coercion and that the petition filed by the petitioners may be allowed and the aforesaid FIR may be quashed.

Learned counsel for the petitioners submitted that the marriage between the petitioner No.1 and the respondent No.2 was solemnised on 29.11.2012 at Delhi, according to Hindu rites and ceremonies. However, due to differences between the two, they started living

separately from each other since 16.3.2013. Thereafter, the aforesaid FIR was lodged by respondent No.2 on 9.12.2014. Later on, the parties entered into a settlement on 25.9.2017 for withdrawal of their respective cases. Learned counsel for the parties submitted that thereafter, petitioner No.1 and respondent No.2 jointly filed a first motion petition for divorce by mutual consent under Section 13B(1) of the Hindu Marriage Act, 1955 ('Act') on 6.1.2018, which was allowed and respondent No.2 received Rs.5,00,000/- from petitioner No.1 by way of a demand draft. Thereafter, on 9.8.2018, a second motion petition was filed under Section 13 (B) (2) of the Act by petitioner No.1 and respondent No.2 and respondent No.2 was paid a further sum of Rs.5,00,00/- in the Court. Finally, a decree of divorce was passed by the concerned Court on 27.8.2018 and the marriage was dissolved.

Learned counsel for the petitioners has handed over two demand drafts Nos.688195 and 840481, dated 15.10.2018, for a sum of Rs.2,00,000/- each to the respondent No.2 in Court. Learned counsel for the parties submitted that now there is nothing due to be paid by the petitioners to respondent No.2.

In view of the aforesaid facts, this Court is of the view that no fruitful purpose would be served in keeping them entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.835/2014, registered with PS: Keshavpuram, New Delhi under Sections 498A/406/34 of the IPC and the proceedings emanating therefrom are quashed.

Petition is disposed of in above terms. Crl.M.A.34736/2018 is also disposed of.

CHANDER SHEKHAR, J

OCTOBER 23, 2018

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