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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3253/2018 & Crl. M.A. No.34826/2018

GAURAV GAMBHIR & ORS.

..... Petitioners

Through: Ms. Anushree Kapadia, Advocate.

Versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Jamal Akhtar, Advocate for Mr. Rahul Mehra, Standing Counsel for State.
Mr. Visahl Dabas and Mr. Pranav P.,
Advocates for Respondent No. 2 with
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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28.11.2018

According to respondent No.2-complainant, the total amount of Rs.41.82 lacs is to be paid to her in terms of the settlement dated 17.01.2017, arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre and not Rs. 37 lacs, as has been recorded in the previous order.

So far, the respondent No.2- complainant was paid only Rs.7 lacs. A demand draft of Rs.5 lacs bearing No. 993236 dated 28.11.2018, drawn on Indian Bank, has been handed over to the complainant in the Court through her counsel.

This petition seeks quashing of FIR No. 289/2016 dated 10.11.2016, registered under sections 498-A/406/34 IPC at Police Station Greater Kailash-I, New Delhi, on the basis of the aforesaid settlement. First Motion

between the parties for dissolution of marriage by mutual consent has been allowed.

The learned counsel for the petitioners too admits that there have been some lapses in effecting the payment, as per the time schedule agreed in the aforesaid settlement. He assures the Court that the remaining amount of Rs.5 lacs, as directed by this Court on the last date of hearing i.e. 25.10.2018, will be paid to the complainant by 31.12.2018 and that the petitioners undertake to pay other monies as soon as possible.

Since monies are yet to be paid to respondent No.2-complainant, this petition is pre-mature and is liable to be dismissed. However, when the said monies are paid, it will be open to the petitioners to approach the Court for the relief now sought.

The petition is dismissed. Liberty granted.

NAJMI WAZIRI, J.

NOVEMBER 28, 2018

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