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

+ CRL.M.C. 5494/2018 & CRL.M.As. 35181-82/2018

SH. BABU KHAN & ANR. Petitioners

Through: Mr. Ram Kanwar, Adv.

versus

STATE & ANR. Respondents

Through: Mr.Panna Lal Sharma, APP
with SI Vijay Kumar, PS
Mayur Vihar, Delhi
Mr. Hemant Kakkar, Adv. for
R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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29.10.2018

This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.85/2010 under Sections 498-A/406/34 of the Indian Penal Code, 1860 (IPC), registered with Police Station Mayur Vihar, Delhi and the proceedings emanating therefrom.

Learned counsel for the petitioners submitted that the petitioner No.1 got married to the respondent No.2 on 15.2.2006 according to Muslim rites and ceremonies at Trilokpuri, Delhi. However, due to some differences, the respondent No.2 lodged the aforesaid FIR against the petitioner No.1 and his family members. Meanwhile, on 15.1.2015, father of the petitioner No.1 expired and the proceedings against him were abated. Thereafter, the married sister of petitioner

No.1 was discharged by the Court on 17.7.2018.

Learned counsel for the parties submitted that the matter was referred to Mediation Cell, Karkardooma Courts, Delhi and on 1.10.2018, the parties entered into a settlement. In view of the settlement arrived at between the parties, the petitioner No.1 pronounced *talaq* to the respondent No.2 on 8.10.2018 and divorce deed was executed and signed between the parties on their own free will without any pressure, undue force or coercion.

Respondent No.2, present in the Court, submitted that she has entered into a settlement on 1.10.2018 before the Mediation Cell, Karkardooma Courts, Delhi and the petitioner No.1 has already pronounced *talaq* to her and the present petition may be allowed and FIR No.85/2010 under Sections 498-A/406/34 of the IPC, registered with Police Station Mayur Vihar, Delhi and the proceedings emanating therefrom may be quashed. Learned counsel for the respondent No.2 as well Investigating Officer, present in the Court, have identified the respondent No.2 and submitted that they have verified from respondent No.2 that she has entered into a settlement on her own free will without any pressure, undue force or coercion.

In view of the aforesaid facts and the statement of the parties as well as in the interest of justice, 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.85/2010 filed by respondent No.2 under Sections 498-A/406/34 of the IPC, with Police Station Mayur Vihar, Delhi and the proceedings

emanating therefrom are quashed.

Petition is disposed of in above terms. Crl.M.As. 35181-82/2018 are also disposed of.

CHANDER SHEKHAR, J

OCTOBER 29, 2018/rk