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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4362/2017**

SHRI HARIKISHAN & ORS Petitioners

Through : Mr Rahul Vijay Gupta,
Advocate.

versus

THE STATE & ANR. Respondents

Through : Mr Mukesh Kumar, Addl. PP for the
State.
Ms Meenu Dilavavari, Advocate for
R-1.
SI Om Prakash, PS Deshbandhu
Gupta Road.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **30.01.2018**

Crl.M.A.17508/2017(delay in re-filing for 21 days)

1. For the reasons stated in the application, the application is allowed. The delay in re-filing the petition is condoned.
2. The application stands disposed of accordingly.

CRL.M.C. 4362/2017 & Crl. M.A. 17506/2017(stay)

1. By this petition, the petitioners seek quashing of FIR No.488/2014 under Sections 498A/406/34 IPC, Police Station Deshbandhu Gupta Road.
2. The subject FIR emanates out of the matrimonial discord. Petitioner No.1 was the husband of respondent No.2. Petitioner No.2

is the mother of petitioner No.1. Petitioner No.3 & 4 are the sister and brother of petitioner No.1. Petitioner No.5 is the niece of petitioner No.1. Petitioner Nos.6 & 7 are sister and brother-in-law of petitioner No.1 respectively.

3. Parties have settled their dispute. The Memorandum of Settlement dated 28.09.2016 has been executed between the parties in the Delhi Mediation Centre, Tis Hazari Courts, Delhi.

4. Respondent No.2 is present in Court in person, is represented by counsel and identified by the Investigating Officer. She confirms that the settlement has taken place and further that the marriage between the parties has been dissolved by way of mutual consent. A total sum of Rs.3,60,000/- was agreed to be paid to respondent No.2. A sum of Rs.2,60,000/- has already been paid and balance amount of Rs.1 lakh has been paid by way of Bankers' Cheque bearing No.606095 dated 29.01.2018 issued by the State Bank of India, Dilshad Garden, which is accepted in the Court today.

5. In view of the above and keeping in view of the fact that the FIR emanates from matrimonial discord and the parties have resolved their dispute through Memorandum of Settlement dated 28.09.2016 executed between the parties in the Delhi Mediation Centre, Tis Hazari Courts, Delhi and respondent No. 2 does not wish to press her complaint, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of

justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

8. Accordingly, FIR No.488/2014 under Sections 498A/406/34 IPC, Police Station Deshbandhu Gupta Road, and the consequent proceedings emanating therefrom are hereby quashed.

9. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

JANUARY 30, 2018

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