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

+ **CRL.M.C. 5164/2017 & CrI.M.A.No. 20340/2017**

BABU KHAN & ORS Petitioners
Through **Mr.Ghanshyam Yadav & Mr. Vijay Kumar, Advocates**

versus

STATE (NCT OF DELHI) & ANR Respondents
Through **Mr.Arun Kumar Sharma, APP for State with SI Sonu Kumar Singh, P.S.GTB Nagar**

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **11.01.2018**

1. The petitioners seek quashing of FIR No. 358/2003 under Sections 498-A/408/34 IPC, Police Station Mansarovar Park, Delhi which emanates out from a matrimonial discord. Learned counsel for the petitioner submits that petitioner no.5, the wife of the petitioner no.1 could not be present in Court and prays for exemption. In view of the facts, she is exempted from personal appearance.

2. Respondent no.2 is present in court and is identified by Investigating Officer. The petitioners as well as respondent no.2 confirms that they have settled the disputes through the process of mediation at Karkardooma Courts.

3. In terms of the settlement, a sum of Rs.1 lac was to be paid to

respondent no.2. The petitioners submit that sum of Rs.50,000/- has already been paid to respondent no.2. The petitioners also had to pay a sum of Rs.20,000/- towards Mehar amount.

4. Learned counsel for the petitioner has handed over a sum of Rs.65,000/- i.e. 50,000/- towards settled amount and Rs.15,000/- towards Mehar amount. Petitioners undertake that the balance sum of Rs.5,000/- shall be paid to respondent no.2 before the Karkardooma Court where the proceedings under Section 125 Cr.PC are pending.

5. The said amount has been received by respondent no.2 in cash in Court. She confirms that she had received Rs.65,000/-.

6. In view of the fact that the parties have settled their disputes which arise out of matrimonial discord, it would be expedient and in the interest of justice if the parties are not relegated to further criminal prosecution and the FIR and the consequent proceedings emanating therefrom are quashed.

7. In view of this, the petition is allowed and the subject FIR No. 358/2003 under Sections 498-A/408/34 IPC, Police Station Mansarovar Park and the consequent proceedings arising therefrom are quashed.

8. Order Dasti under the signatures of Court Master.

SANJEEV SACHDEVA, J

JANUARY 11, 2018

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