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

+ **W.P.(CRL) 3389/2017**

SONVEER & ORS

..... Petitioner

Represented by: Mr. Sunil Kumar, Mr.
Sambhav Luthra, Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ANR

..... Respondent

Represented by: Mr. R.S. Kundu, ASC with Mr.
Bhagat Singh, Mr. Prem Sagar
Pal, Advs with SI C.B. Sharma
PS New Usmanpur.
Mr. Sanjeev Kr. Shukla, Adv.
for R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.02.2018

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CrI.M.A. 3164/2018

By this application the petitioner No.3,4 & 5 seek exemption from appearance. As per the application petitioner No.3 is employed in Armed Forces and currently posted at Guwahati, Assam. Petitioner No.2 is the wife of petitioner No.3 and is also thus at Guwahati. Petitioner No.5 is aged around 75 years and is not in a position to travel from Shikohabad to Delhi and thus seeks exemption.

For the reasons stated on affidavit, petitioner No.3,4&5 are exempted from appearing.

Application is disposed of.

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By the present petition the petitioners seek quashing of FIR No. 494/2016 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at PS New Usmanpur, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the eight petitioners as mentioned in the amended memo of parties are the only accused and respondent No.2 the only complainant/ victim.

Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. She states that she has settled the matter with the petitioners. Pursuant to the settlement divorce by mutual consent has been granted between petitioner No.1 and respondent No.2. In lieu of all her claims of maintenance, istridhan, alimony, etc., respondent No.2 is to receive a sum of ₹8 lakhs out of which she has already received a sum of ₹5,50,000/- and the balance amount of ₹2,50,000/- has been received by her today in Court by way of demand draft No. '591486' drawn on Punjab National Bank, Shikohabad, U.P. She has also received a sum of ₹5,000/- as directed by this Court vide order dated 5th December, 2017. She states that she has now no claim whatsoever against the petitioners and does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioners No.1,2,6,7&8 are present in Court and are identified by the learned counsel. Petitioners No.3,4&5 have already been exempted for the

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reasons noted above. Petitioners No. 1,2,6,7&8 affirm the statement of respondent No.2.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 494/2016 under Sections 498A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at PS New Usmanpur, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 19, 2018
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