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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6359/2018**

HITESHWAR KOCHAR & ORS Petitioners

Through: Ms. Rekha Aggarwal, Adv.

versus

STATE & ANR Respondents

Through: Mr. Kamal Kumar Ghai, APP
with WSI Jyoti, PS:Model
Town, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **14.12.2018**

1. The petitioners have moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0591/2016, under Sections 498-A/406/34 of the Indian Penal Code, 1860, registered at PS:Model Town, District North-West, New Delhi.

2. Learned counsel for the petitioners as well as respondent No.2 submitted that the parties have settled their disputes, on their own free will, without any force, pressure or coercion, vide Memorandum of Understanding ('MoU') dated 5.7.2018, in terms whereof the marriage between petitioner No.1 and respondent No.2 stands dissolved by way of a decree of divorce dated 27.10.2018.

3. The Investigating Officer ('IO'), who is present in Court, has identified the petitioners as well as respondent No.2 and the IO has also verified the MoU arrived at between the parties.

4. Respondent No.2 reiterated and submitted that the settlement has been arrived at between the parties on her own free will, without any force, pressure or coercion. She further submitted that she is yet to receive the balance payment of Rs.80,000/- and in case the said payment is made by the petitioners, she has no objection to the petition being allowed and the quashing of the FIR.

5. Learned counsel for the petitioners stated that the petitioners have brought in Court a demand draft for a sum of Rs.80,000/-, bearing No.503081, dated 13.12.2018, drawn on ICICI Bank, which has been handed over to the respondent No.2.

6. In view of the aforesaid circumstances, the MoU arrived at between the parties and the balance payment of Rs.80,000/- received today in Court by the respondent No.2 by way of a demand draft, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No. 0591/2016, under Sections 498-A/406/34 of the Indian Penal Code, 1860, registered at PS:Model Town, District North-West, New Delhi is quashed.

7. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 14, 2018/tp