

\$~17

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

Date of decision: 24.12.2019

+ CRL.M.C. 6722/2019

SHASHIKANT & ANR

..... Petitioners

Through: Mr.Mahesh Prasad, Adv. with
Mr.Alok K. Prasad & Mr.Naresh
Kumar, Advs.

versus

STATE & ANR.

..... Respondents

Through: Mr. Izhar Ahmad, APP for State.
ASI Ghanshyam Das PS CWC Nanak
Pura.
Mr.Pushp Saini, Adv. for R-2 with R-
2 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

Crl. M.A. 43570/2019

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL.M.C. 6722/2019

3. Vide the present petition, the petitioners seek quashing of FIR No.60/2017 dated 07.06.2017 registered at Police Station CWC Nanak Pura

instituted for the offences punishable under Sections 498A/406/34 of the IPC and consequent proceedings arising therefrom.

4. Notice issued.

5. Notice is accepted by learned APP for the State and counsel for the respondent no.2 and with the consent of the counsel for the parties, the present petition is taken up for final disposal.

6. The petitioner no.1 and respondent no.2 got married on 23.05.2005 as per Hindu rites and rituals. One female child was born out of the wedlock namely Hiyanshi. Due to extreme incompatibilities between the petitioners and respondent no.2, they started living separately.

7. The petitioner and respondent no.2 with the intervention of their well wishers and relatives entered into an amicable settlement before Counselling Cell, Family Court, Patiala House vide settlement deed dated 01.08.2018 and settled all their disputes amicably.

8. The total settlement amount is ₹8,00,000/-(Rupees Eight Lakhs only). It is submitted that the respondent No. 2 has already received an amount of ₹5 lakhs (Rupees Five Lakhs only). A demand draft bearing No.696443 dated 21.12.2019 for the balance amount of ₹3,00,000/- (Rupees Three Lakhs only) is handed over to the respondent No. 2 today in the Court.

9. The complainant is present in person with her counsel and has been identified by ASI Ghanshyam Das and submits that matter has been settled and she does not wish to prosecute the matter any further.

10. Taking into account the aforesaid facts, this Court is inclined to quash the concerned FIR as no useful purpose would be served in prosecuting the petitioners any further.

11. For the reasons afore-recorded, the FIR No.60/2017 dated 07.06.2017 registered at Police Station CWC Nanak Pura instituted for the offences punishable under Sections 498A/406/34 of the IPC and consequent proceedings emanating therefrom are quashed.

12. The petition is allowed and disposed of accordingly.

13. Order *dasti*

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 24, 2019
ab