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

+ **CRL.M.C.6688/2019 & CrI.M.A.43440/2019**

SAURABH KUMAR KAINTH & ORS Petitioners

Through Mr. Sanjay Gupta and
Mr.Dharmesh Kapoor, Advs.
with the petitioners in person
versus

**THE STATE (GOVT. OF NCT OF DELHI)
& ANR.**

..... Respondents

Through Mr. M.S. Oberoi, APP with
ASI B. Singh and ASI Dhyan
Singh
Mr. Gaurav Bhardwaj, Adv. for
R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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23.12.2019

The matter has been received on transfer as the regular Bench is on leave.

CRL.M.A. 43440/2019 (for exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

CRL.M.C.6688/2019

1. Issue notice.
2. Notice is accepted by the learned APP for the State as well as by learned counsel for the respondent No.2.
3. The petitioners have filed the present petition under Section 482

of the Code of Criminal Procedure, 1973 for quashing of FIR No.154/2017, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: CWC, Nanakpura, Delhi and the proceedings emanating therefrom.

4. The petitioners and respondent No.2 as well as the learned counsel for the parties submitted that the parties have settled their disputes on their own free will, without any force or coercion vide a Memorandum of Understanding/Deed of Settlement dated 22.11.2018, in pursuance whereof, the marriage of the petitioner No.1 and the respondent No.2 stands dissolved vide decree of divorce dated 23.9.2019.

5. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that the petitioners have to pay the balance amount of Rs.1 lac to her in terms of the settlement arrived at between the parties. Respondent No.2 further submitted that in case the petitioners make the payment of the balance amount of Rs.1 lac to her, she has no objection to the petition being allowed and the FIR being quashed.

6. Learned counsel for the petitioners submitted that the petitioners have brought a demand draft bearing No.810320 dated 4.10.2019 for an amount of Rs.1 lac which has been handed over to the respondent No.2 today in the Court. Learned counsel for the petitioners submitted that in view of the payment of the balance amount to the respondent No.2, the present petition may be allowed and the FIR may be quashed.

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

8. In view of the aforesaid circumstances and the settlement arrived at between the parties, 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.154/2017, under Sections 498-A/406/34 of the IPC, registered at P.S.: CWC, Nanakpura, Delhi and the proceedings emanating therefrom are quashed.

9. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 23, 2019/rk