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

Date of decision: 24.12.2019

+ CRL.M.C. 6742/2019

SH. ABHINANDAN SODHI & ORS. Petitioners

Through: Mr.Abhay Kumar, Adv.

versus

STATE & ANR.

..... Respondents

Through: Mr. Hirein Sharma, APP for State.
Insp.Vijay Kumar Singh SHO Kirti
Nagar.

SI Suresh Chand PS Kirti Nagar.

Mr.Gaurav Kajla, 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. 43624/2019

1. Allowed, subject to all just exceptions.

2. Application is disposed of.

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3. Vide the present petition, the petitioners seek quashing of FIR No.32/2016 dated 13.01.2016 registered at Police Station Kirti Nagar 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 25.01.2015 as per Hindu rites and rituals. Due to extreme incompatibilities between the petitioners and respondent no.2, they started living separately from 10.05.2015.

7. The petitioner and respondent no.2 with the intervention of their well wishers and relatives entered into an amicable settlement before Delhi Mediation Centre, Tis Hazari Courts, Delhi, vide settlement deed dated 18.09.2019 and settled all their disputes amicably.

8. The total settlement amount is ₹6,00,000/- (Rupees Six Lakhs only). It is submitted that the respondent No. 2 has already received an amount of ₹4 lakhs (Rupees Four Lakhs only). A demand draft bearing No.010750 dated 21.12.2019 for the balance amount of ₹2,00,000/- (Rupees Two Lakhs only) is handed over to the respondent No. 2 today in the Court.

9. The complainant/respondent no.2 is present in person with her counsel and has produced Aadhar Card bearing no.826620942456 (Original seen and returned) and has been identified by SI Suresh Chand of Police Station Kirti Nagar and submits that matter has been settled and she does not wish to prosecute the matter any further.

10. Moreover, the medical examination of the respondent no.2/complainant was conducted vide MLC No.12353 dated 22.04.2015 wherein she refused for her internal examination. In addition to above, this Court has held in the cases of *Anil Kumar Garg & Ors. vs. State & Anr.: 2017(4) JCC 2311* and *Dinesh Kumar & Ors. vs. State & Anr.: 2019 III AD (DELHI) 362* wherein FIR has been quashed when the allegations are made by the complainant against her husband.

11. Since the subject matter of FIR is essentially matrimonial which stands mutually and amicably settled between the parties, this Court is inclined to quash the concerned FIR as no useful purpose would be served in prosecuting the petitioners any further.

12. For the reasons afore-recorded, the FIR No.32/2016 dated 13.01.2016 registered at Police Station Kirti Nagar and consequent proceedings emanating therefrom are quashed.

13. The petition is allowed and disposed of accordingly.

14. Order *dasti*.

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 24, 2019/ab