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

+ CRL.M.C. 701/2019

MR. KUSHAL GUPTA & ORS.

..... Petitioners

Through Mr. Rajiv K. Garg and Mr. Arjun
Singh, Advocates

versus

STATE & ANR

..... Respondents

Through Mr. Raghuvinder Verma, APP for the
State with SI Raj Kumar, PS Prasad
Nagar
Mr. Govind Singh, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.02.2019

Respondent no.2 Ms. Swati Gupta is present in Court along with her counsel and accepts notice. She has been identified by SI Raj Kumar of police station Prasad Nagar. She submits that she has settled the matter with petitioner no.1 of her own free will and without any undue force, pressure or coercion vide a Memorandum of Understanding dated 3rd December, 2018. Her marriage with petitioner no.1 has already been dissolved by a decree of divorce by mutual consent dated 4th January, 2019 passed by the Family Courts, Central District, Tis Hazari Courts, New Delhi. Respondent no.2

says that she has already received ₹75 lacs out of the settled amount, that is, ₹1 crore from the petitioner no.1. Petitioner has handed over an FDR for ₹25 lacs drawn in the name Master Urvish Gupta, the minor child born from their wedlock, to the respondent no.2 today in Court, a photocopy whereof placed on record. Respondent no.2 says that she has no objection in case FIR No. 369/2016 under Sections 498A/406/34 IPC registered at police station Prasad Nagar and the consequent proceedings are quashed against the petitioner no.1 and his relatives, that is, petitioner nos. 2 and 3. Affidavit of respondent no.2 is also on record to this effect.

Keeping in mind the settlement arrived at between the petitioner no.1 and respondent no. 2 voluntarily, in my view, no fruitful purpose would be served to keep the criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J

FEBRUARY 07, 2019/rr