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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 600/2019 & CrI. M.A. No.4196/2019

CHANDAN VISHWAKARMA & ORS.

..... Petitioners

Through: Mr. Anand Ranjan, Ms. Pinky Maheshwari
and Mr. Harish Yadav, Advocates with
Petitioners in person.

Versus

STATE & ANR.

..... Respondents

Through: Mr. Rajesh Mahajan, Additional Standing
Counsel for State with SI Subhash Chand,
P.S. Okhla Industrial Area.
Mr. Dhiraj Bidhuri, Advocate for
Respondent No.2 with Respondent No.2 in
person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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25.02.2019

FIR No. 672/2016 registered under sections 406/498-A/34 IPC at Police Station Okhla Industrial Area, New Delhi, registered on the basis of a complaint filed by respondent No.2 from the alleged atrocities by petitioner No.1 – her erstwhile husband and his relatives, is sought to be quashed on the basis of a settlement dated 17.04.2018. The matrimony has been dissolved on 15.12.2018 by way of a decree of divorce by mutual consent. The respondent No. 2- complainant was to be paid a total amount of Rs.4 lacs, of which Rs. 1 lac remains to be paid. The learned counsel for respondent No.2 states upon instructions that the said monies have been received by respondent No.2.

The parties are present in the Court and have been identified by their respective counsel. The parties have re-iterated the terms of the aforesaid settlement and undertake to remain bound by the same. Since the complainant herself does not wish to pursue her complaint against the petitioners, the substratum of the complaint/FIR dissipates and any further proceeding apropos the same FIR would be an exercise in futility. It would, therefore, be in the interest of justice to quash the FIR in question.

Following the dicta of the Supreme Court in *Gian Singh Vs. State of Punjab and Another* (2012) 10 SCC 303, *Narinder Singh & Ors. Vs. State of Punjab & Anr.* 2014 6 SCC 466 and *Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Anr.* (2013) 4 SCC 58, a case is made out for quashing of the FIR.

Accordingly, FIR No. 672/2016 registered under sections 406/498-A/34 IPC at Police Station Okhla Industrial Area, New Delhi, and all the proceedings arising therefrom are quashed.

The petition, alongwith pending application, stands disposed off in the above terms.

NAJMI WAZIRI, J.

FEBRUARY 25, 2019

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