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

+ **CRL.M.C. 1680/2019**

SUMIT KUMAR MITTAL & ORS Petitioners

Through Mr. Yogesh Chandna, Adv.
with petitioners in person

versus

THE STATE GOVT. OF NCT OF DELHI & ANR

..... Respondents

Through Mr. Raghuvinder Verma, APP
for the State
SI Vinit Kumar, PS Prashant
Vihar
Ms. Neeru Nagpal, Adv. for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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03.12.2019

CRL.M.A 6758/2019 (for exemption)

Allowed, subject to all just exceptions. Applications stand disposed of.

CRL.M.A 6759/2019 (for delay in re-filing)

1. In view of the cause submitted, delay in re-filing the petition is condoned.
2. Application is disposed of.

CRL.M.C. 1680/2019

1. Issue notice.
2. Notice is accepted by the learned APP for the State and by learned counsel for 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.95/2012, under Sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Prashant Vihar, Delhi and the proceedings emanating therefrom.

4. The petitioners and respondent No.2 as well as their respective counsel submitted that the parties have settled their disputes on their own free will, without any force or coercion before the Counselling Cell, Family courts, Rohini, Delhi on 07.07.2017, in terms whereof petitioner No.1 had agreed to pay Rs.16,00,000/- to the respondent No.2. It is further submitted that out of Rs.16 lakhs , an amount of Rs.10 lakhs has already been paid to respondent No.2. It is also submitted that the marriage between the petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 13B(2) of the Hindu Marriage Act, 1955 vide a decree of divorce dated 25.05.2018.

5. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that she has no objection to the petition being allowed and the FIR being quashed in case the petitioners pay the balance amount of Rs.6 lakhs to her, which is required to be paid as per the settlement arrived at between the parties.

6. Learned counsel for the petitioners submitted that the petitioners have brought a demand draft bearing No.291740, dated 04.01.2019, drawn on Syndicate Bank, for an amount of Rs.6 lakhs, which has been handed over to the respondent No.2 today in the Court.

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, the settlement arrived at between the parties and the dissolution of marriage, 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. 95/2012, under Sections 498-A/406/34 of the IPC, registered at P.S.: Prashant Vihar, Delhi and the proceedings emanating therefrom are quashed.

9. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 03, 2019

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