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

Date of decision: 18.09.2019

+ CRL.M.C. 4701/2019

UTPAL DAS & ORS

..... Petitioners

Through: Mr. Salim Alvi, Adv. with Petitioners
in person

versus

THE STATE & ANR

..... Respondents

Through: Mr. Izhar Ahmad, APP for State.
Mr. Aditya Swarup Agarwal, 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.36069/2019

1. Allowed, subject to all just exceptions.
Application is disposed of.

CRL.M.C. 4701/2019

2. Vide the present petition, the petitioners seek quashing of FIR No. 541/2017 dated 13.09.2017, registered at Police Station – Ashok Nagar, instituted for the offences punishable under Sections 498A/406/34 of the IPC and consequent proceedings arising therefrom.
3. Notice issued.

4. Notice is accepted by learned APP for the State and counsel for the respondent no.2. Subsequently, with the consent of the counsel for the parties, the present petition is taken up for final disposal.

5. The petitioner no.1 and respondent no.2 got married on 24.09.2014 as per Hindu rites and rituals. One male child was born out of the wedlock namely, Neelanjan Das. Due to extreme incompatibilities between the petitioners and respondent no.2, they started living separately since 20.12.2015.

6. The petitioner no. 1 and respondent no.2 entered into an amicable settlement vide memorandum of understanding dated 11.04.2019 and settled all their disputes amicably. The total settlement amount is ₹5,00,000/- (Rupees Five Lakhs only). It is submitted that the respondent No. 2 has already received an amount of ₹3,00,000 (Rupees three lakhs only). A demand draft bearing No.500469 dated 21.08.2019 for the balance amount of ₹2,00,000/- (Rupees two lakhs only) is handed over to the respondent No. 2 today in the Court i.e. on 18.09.2019.

7. The complainant is present in person with her counsel and has been identified by SI Chandan and submits that matter has been settled and she does not wish to prosecute the matter any further.

8. Taking into account the aforesaid facts, this Court is inclined to quash the concerned FIR as no useful purpose would be served in prosecuting the petitioners any further.

9. For the reasons afore-recorded, the FIR No. 541/2017 dated 13.09.2017, registered at Police Station – Ashok Nagar, instituted for the offences punishable under Sections 498A/406/34 of the IPC and consequent proceedings therefrom are quashed.

10. The petition is allowed accordingly.

11. Order *dasti*, under the signature of Court Master.

(SURESH KUMAR KAIT)
JUDGE

SEPTEMBER 18, 2019

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