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

+ **W.P.(CRL) 3309/2019**

ABHISHEK SHARMA & ORS

..... Petitioners

Through Mr Devvrat Pradhan, Mr Rajender Gupta,
Advocates.

versus

THE STATE & ANR

..... Respondents

Through Mr R.S. Kundu, ASC Crl. with
Mr Shivom Saharan, Mr Hitesh Vali, Mr Suman
Soharan, Mr Pawan Kumar, Advocates.
Mr Pramod Kumar Aggarwal, Advocate for R2.
ASI Balkishan, P.S. New Ashok Nagar present.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.11.2019

CRL.M.A. 41204/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed.

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3. The petitioners have filed the present petition, *inter alia*, praying that FIR No. 514/2016, under Sections 406/498A/34 of the IPC, registered with PS New Ashok Nagar and all proceedings emanating therefrom, be quashed.
4. The said FIR was registered at the instance of respondent no.2. She is present in Court and is identified by the Investigating Officer. Respondent no.2 states that she had filed the said FIR and other proceedings in view of

matrimonial disputes that had arisen between her and husband (petitioner no.1). She states that the said disputes were resolved in terms of the settlement arrived at before the Principal Judge (East District), Family Court, Karkardooma Courts, Delhi in MT No. 733/2018.

5. In terms of the said settlement, petitioner no.1 had agreed to pay a sum of ₹11 lakhs in full and final settlement of all claims of respondent no.2. Out of the aforesaid sum, a sum of ₹8 lakhs has been received by respondent no.2 earlier. She states that with the receipt of the balance sum of ₹3 lakhs, she would have no further claims against the petitioners. The petitioners have today handed over two Manager's Cheques of HDFC Bank: One cheque No. 015939 for a sum of ₹1 lakh in favour of minor daughter Saanvi Sharma and the other cheque no. 015940 for a sum of ₹2 lakhs in favour of Ms Roli Upadhyay—respondent no.2.

6. Respondent no.2 has accepted the said cheques in full and final settlement of all her claims. She joins the petitioners in praying that the FIR in question be quashed. Petitioner nos. 1 to 3 are identified by their counsel. Petitioner no.4 is represented through a Special Power of Attorney Holder Mr Radhey Shyam Kaushik.

7. Mr Kundu, ASC submits that charge sheet was not filed against petitioner no.4. Petitioner nos. 1 to 3 state that they have no grievance against respondent no.2.

8. In view of the statements made by the petitioners and respondent no.2, this Court considers it apposite to allow the present petition. The petition is allowed and FIR No. 514/2016 under Sections 406/498-A/34 of the IPC registered with Police Station New Ashok Vihar, New Delhi and all

proceedings emanating therefrom, are quashed.

9. The petitioners and respondent no.2 shall sign this order as an acknowledgment of the statements recorded herein.

10. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

NOVEMBER 26, 2019

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