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

+ **W.P.(CRL) 3478/2019**

SH. KUNAL MITRO & ORS.

..... Petitioners

Through: Mr Girish Sharma, Mr Vinod Kumar,
Mr Rishab Jain and Mr Bhupinder
Kumar, Advocates.

versus

STATE & ORS.

..... Respondent

Through: Mr Karan Jeet Rai Sharma, Advocate
for Mr Sanjay Lao, ASC for State.
IO/SI Om Prakash and SI Sandeep,
PS DBG Road.
Mr Vijay Chopra, Advocate for R &
3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.02.2020

CRL.M.A. 42570/2019

1. Exemption is allowed, subject to all just exceptions.
2. The application stand disposed of.

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3. The petitioners have filed the present petition, *inter alia*, praying that FIR bearing no. 0288/2016 under Sections 498A/406/34 of the IPC, registered with PS D.B.G. Road and all proceedings emanating therefrom, be quashed.
4. The said FIR was registered at the instance of Sakshi (daughter of Sh. Harsh Kumar Lamba – respondent no.2). It is stated that she has since

expired. Her parents (respondent nos. 2 and 3) are present in Court and state that they have since settled all their disputes and differences with the petitioners in terms of the Settlement Agreement dated 20.03.2019 arrived at before the Delhi Mediation Centre, Karkardooma Courts, Delhi.

5. In terms of the said settlement, petitioner no.1 (who is the husband of the deceased complainant) agreed to give the custody of his minor son to the maternal uncle and maternal aunt of the minor (*mama* and *mami*). Petitioner no.1 has also agreed to execute a proper adoption deed in their favour.

6. In terms of the said settlement, two FDRs with SBI, East Park Road, Karol Bagh, Delhi have been converted in favour of the minor child. Petitioner no.1 has also paid a sum of ₹1,10,000/- to the maternal uncle of the minor (Navneet Lamba), who is also present in Court. In addition to the above, the petitioners have today handed over another demand draft in the sum of ₹3,90,000/- to Mr Navneet Lamba. A photocopy of the said demand draft is taken on record.

7. Respondent nos. 2 and 3 state that they do not wish to pursue the FIR in question.

8. In view of the fact that the parties have settled their disputes, this Court is of the view that the ends of justice would be served by quashing the FIR in question.

9. Accordingly, FIR bearing no. 0288/2016 under Sections 498A/406/34 of the IPC, registered with PS D.B.G. Road and all proceedings emanating therefrom, are quashed.

10. It is clarified that the aforesaid settlement arrived at between the

parties shall not be binding on the minor child in any manner. Nothing stated in this order shall be construed as an approval of this Court to the said settlement.

11. The concerned parties (petitioners except petitioner no.3—Smt. Alka Mitro and respondent nos. 2 and 3) shall sign this order as an acknowledgment of their statements recorded herein.

FEBRUARY 27, 2020
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VIBHU BAKHRU, J