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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 286/2020

AVINASH KUMAR & ORS

..... Petitioners

Through: Mr. Pankaj Sharma, Adv.
Petitioners no.1 and 2 in person.

versus

THE STATE (GOVT. OF NCT DELHI) & ANR Respondents

Through: Mr. M.S. Oberoi, APP for the State.
SI Shailendra, P.S.Mukherjee Nagar.
Mr. Yashpal Sapra, Adv. with
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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03.03.2020

Crl. M.A.No. 1230/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 286/2020

1. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.1188/2015, under Sections 498A/406/34 IPC registered at Police Station- Mukherjee Nagar, Delhi, and all proceedings emanating therefrom.

2. Issue notice. Learned counsel for the State, who appears on advance notice, accepts notice. Counsel for respondent No.2 appears

and accepts notice.

3. On oral prayer of counsel for the petitioners, petitioner nos. 3 and 4 are exempted from appearance as petitioner no.3 is suffering from ailments and petitioner no.4 is out of station.

4. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 11.7.2013 according to Hindu rites and ceremonies and they lived together as wife and husband with each other. After the marriage, some disputes and differences arose between them and they started living separately since 22.12.2013. On 29.8.2015, the respondent No.2 got the above said FIR registered against the petitioners for causing cruelties and demand of dowry.

5. Counsel for the petitioners submits that during the pendency of the trial, with the intervention of Counselling Cell, Family Courts, Tis Hazari Courts, Delhi, the parties have settled the matter amicably in terms of the Agreement/Settlement Deed dated 15.1.2019. Copy of the same is placed on record. Accordingly, the marriage of the petitioner no.1 and respondent no.2 has already been dissolved by decree of divorce with mutual consent of the parties vide order dated 30.7.2019 passed by the Principal Judge, Family Courts, Tis Hazari Courts, Delhi. Copy of the decree of divorce is placed on record.

6. Respondent No.2 is present in Court today and she has been identified by the IO. The respondent No.2 admits that she has settled the matter amicably with the petitioners. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. As per settlement, today Rs. 50,000/- has been handed over by way of DD bearing no. 001454 dated 26.2.2020

drawn on HDFC Bank to respondent No.2. Respondent No.2 submits that nothing remains to be adjudicated further between them and she has no objection if the FIR in question is quashed.

7. Learned counsel for the State submits that in view of the settlement between the parties, the State has no objection if the FIR in question be quashed.

8. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law. Consequentially, this petition is allowed, subject to costs of ₹5,000/- to be deposited by the petitioners with the Delhi High Court Legal Services Committee within two weeks from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No.1188/2015, under Sections 498A/406/34 IPC registered at Police Station-Mukherjee Nagar, Delhi, and the proceedings emanating therefrom shall stand quashed.

9. The present petition stands disposed of accordingly. *Dasti.*

RAJNISH BHATNAGAR, J

MARCH 03, 2020/ib