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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 602/2020

SAURABH KAPAHI & ANR

..... Petitioners

Through: Mr. Lokesh Singh, Advocate with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr. M.S. Oberoi, APP for the State
with IO/SI Pradeep and SI Kailash
Chand, PS Sagarpur.

R-2/complainant in person with
Mr.Bhubneshwar and Mr. Vinayak
Kamra, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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04.02.2020

Crl. M.A. No. 2495/2020 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 602/2020

1. Issue notice. Learned counsel for the State, who appears on advance notice, accepts notice. Respondent No.2 appears and accepts notice.

2. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.184/2017, under Sections 498A/406/34 IPC registered at Police Station-

Sagarpur, Delhi, and all proceedings emanating therefrom.

3. The brief facts of the case are that the petitioner No.1 and respondent No.2 got married on 03.06.2015 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. On 21.06.2017, the respondent No.2 got the above said FIR registered against the petitioners for causing cruelties and demand of dowry.

4. Counsel for the petitioners submits that during the pendency of the trial, the parties have settled the matter amicably before the Delhi Mediation Centre, Tis Hazari Courts, Delhi, in terms of the order dated 09.04.2019. 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 20.09.2019 passed by the Ld. Court of Smt. Shalinder Kaur, Principal Judge, Family Courts, Tis Hazari Courts, Delhi. Copy of the decree of divorce is placed on record.

5. 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, the DD No.002939 dated 04.02.2020 in the sum of Rs.1,15,000/- has been handed over to the respondent No.2 today. 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.

6. 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.

7. 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.184/2017, under Sections 498A/406/34 IPC registered at Police Station-Sagarpur, Delhi, and the proceedings emanating therefrom shall stand quashed.

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

RAJNISH BHATNAGAR, J

FEBRUARY 04, 2020

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