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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 557/2020

NAMIT BAGGA & ORS.

..... Petitioners

Through: Thakur Sumit, Adv.
Petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Kamna Vohra, ASC for the State
with SI Dinesh, P.S.Bharat Nagar.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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26.02.2020

Crl. M.A.No. 4240/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 557/2020 & Crl. M.A. 4239/2020

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. 220/2015, under Sections 498A/406/34 IPC registered at Police Station-Bharat Nagar, Delhi, and all proceedings emanating therefrom.

2. Issue notice. Learned ASC for the State, who appears on advance notice, accepts notice. Respondent No. 2 appears in person and accepts notice.

3. The brief facts of the case are that the petitioner No. 1 and respondent No. 2 got married on 24.4.2012 according to Hindu rites and ceremonies and they lived together as wife and husband with each other. Out of the said wedlock a girl child was born. After the marriage, some disputes and differences arose between them and they started living separately since 6.10.2013. On 25.4.2015, 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 in terms of the MOU dated 24.9.2019. 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 Under Section 13B(2) of Hindu Marriage Act vide order dated 20.11.2019.

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, a demand draft bearing no. 217327 drawn on Yes Bank of Rs. 10 lacs has been handed over to the respondent no.2 in the Court 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 State Legal Services Authority 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. 220/2015, under Sections 498A/406/34 IPC registered at Police Station-Bharat Nagar, Delhi, and the proceedings emanating therefrom shall stand quashed.

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

RAJNISH BHATNAGAR, J

FEBRUARY 26, 2020/ib