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

+ **W.P.(CRL) 564/2020**

ANKIT MALHOTRA & ORS. Petitioners

Through: Mr. Udit Chauhan, Adv.
Petitioners in person.

versus

STATE & ANR. Respondents

Through: Mr. Rajesh Mahajan, ASC for the
State.
Mr. R.C.Mahajan and Mr. Sushil
Bali, Adv. for R-2.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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26.02.2020

Crl. M.A.No. 4277-78/2020 (for exemption)

Exemptions allowed subject to just exceptions.

The applications stand disposed of.

W.P.(CRL) 564/2020

1. Issue notice. Learned counsel for the State, who appears on advance notice, accepts notice. Counsel for 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.0173/2019, under Sections 323/341/498-A/506/34 IPC registered at Police Station-Dwarka, 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 20.4.2018 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 30.4.2019. On 1.4.2019, the respondent No.2 got the above said FIR registered against the petitioners.

4. Counsel for the petitioners submits that during the pendency of the trial, with the intervention of Mediation Cell, Dwarka Courts, the parties have settled the matter amicably in terms of Mediation Order dated 29.5.2019. 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 under Section 13(B)(2) of HMA Act vide order dated 25.1.2020 passed by the Principal Judge, Family Courts, Dwarka 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. 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.0173/2019, under Sections 323/341/498-A/506/34 IPC registered at Police Station-Dwarka, Delhi, and the proceedings emanating therefrom shall stand quashed.

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

FEBRUARY 26, 2020/ib

RAJNISH BHATNAGAR, J