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

Date of decision:02.03.2020

+ CRL.M.C. 1197/2020

SUNIL KUMAR

..... Petitioner

Through Mr.M.Husain, Adv.

versus

STATE & ANR.

.... Respondents

Through Mr.Izhar Ahmed, APP for State with
SI Sachin Yadav and Insp.Anuj
Kumar, PS Vikaspuri
Mr.Man Mohan Singh, Adv. for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

Crl. M.A. 4639/2020 (for exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL.M.A.4640/2020 (for condonation of delay)

3. In view of reasons stated in the present application, delay of 40 days in re-filing petition is condoned.
4. Application is, accordingly, allowed and disposed of.

CRL.M.C.1197/2020

5. Vide the present petition, petitioner seeks direction for quashing of FIR No. 289/2009 dated 13.10.2009 registered at Police Station Vikaspuri, Delhi and consequent proceedings arising therefrom.

6. Notice issued.

7. Notice is accepted by learned APP for State and by counsel for respondent No. 2 and with the consent of counsel for parties, present petition is taken up for final disposal.

8. Petitioner and respondent No. 2 got married on 18.07.2002 as per Hindu rites and rituals and one girl child was born out of that wedlock, namely Gungun. Due to extreme incompatibilities between petitioner and respondent No. 2, they started living separately from 14.09.2005.

9. Petitioner and respondent No. 2, have entered into an amicable settlement before the Counselling Cell, Family Courts, Delhi vide Settlement Deed dated 13.12.2018 and have settled all their disputes amicably.

10. Respondent No. 2 is present in person, who has been identified by Insp. Anuj Kumar (SHO), and submits that matter has been settled and she does not wish to prosecute the matter any further.

11. The total settlement amount is ₹7,00,000/- (Rupees Seven Lakhs only). It is submitted that respondent No. 2 has already received an amount of ₹4,00,000/- (Rupees Four Lakhs only). A demand draft bearing No.330922 dated 17.2.2020 for the balance amount of ₹3,00,000/- (Rupees Three Lakhs only) is handed over to respondent No. 2 today in this Court.

12. Taking into account the aforesaid facts, this Court is inclined to quash aforementioned FIR as no useful purpose would be served in prosecuting petitioner any further.

13. For the reasons afore-recorded, FIR No. 289/2009 dated 13.10.2009 registered at Police Station Vikaspuri, Delhi and consequent proceedings emanating therefrom are hereby quashed.

14. The petition is, accordingly, allowed and disposed of.

15. Order *dasti*.

(SURESH KUMAR KAIT)
JUDGE

MARCH 02, 2020/rk