

Jitender Kumar Sharma & Ors vs State & Anr on 21 January, 2019

Author: A.K. Pathak

Bench: A.K. Pathak

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 108/2019
JITENDER KUMAR SHARMA & ORS. Petitioners
Through: Mr. S. Qamar, Adv.
versus

STATE & ANR. Respondents
Through: Mr. Mukesh Kumar, APP for State
with SI Manoj Kumar Tomar, P.S.
Mayur Vihar.
Mr. Akash Deep, Adv. for R-2 with
R-2 in person.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK
ORDER

% 21.01.2019 Notice. Learned APP accepts notice for respondent no. 1. Respondent no.2-Ms. Beena Sharma is present in Court along with her counsel and accepts notice. She has been identified by SI Manoj Kumar Tomar of police station Mayur Vihar.

Respondent no.2 (wife) submits that she has settled the matter with petitioner no. 1 (husband) of her own free will and without any undue force, pressure or coercion before the Delhi Mediation Centre, Karkardooma Court, Delhi on 25.01.2018. Her marriage with petitioner no.1 has already been dissolved by a decree of divorce by mutual consent on 10.09.2018 passed by the Family Courts, East District, Karkardooma Courts, Delhi. Petitioner no. 1 has paid `2 lacs to the respondent no. 2 today in Court, vide a demand draft, photocopy whereof has been placed on record. Respondent no. 2 says that entire settled amount of `6 lacs stands paid with this payment, therefore, she has no objection in case FIR No. 270/2016 under Sections 498A/406/34 IPC registered at police station Mayur Vihar, Phase I is quashed against the petitioner no. 1 and his relatives, that is, petitioner nos. 2 to 5.

Keeping in mind the settlement arrived at between petitioner no.1 and respondent no. 2 voluntarily, in my view, no fruitful purpose would be served to keep the criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

JANUARY 21, 2019 ga