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

+ W.P.(CRL) 2691/2023, CrI.M.A. No. 25321/2023

KARTIKYA SWAMI & ORS. Petitioners

Through: Mr. Mahesh Kumar Sharma,
Mr. Kapil Kaushik, Ms. Sapna
Sharma and Mr. Atma Ram
Sharma, Advocates with
petitioners in person.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr. Anand Khatri, ASC for the
State with ASI Lovkash
Kumar, PS: Shalimar Bagh and
ASI Vikas Kumar, PS: Keshav
Puram
Mr. Anand Parashar and Ms.
Ritu Mishra, Advocates for R-
2.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
19.09.2023

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1. The petitioners vide the present petition under Section 482 of the Code of Criminal Procedure, 1973 seek quashing of FIR No.0239/2019, dated 30.07.2019, u/S 498-A/406/34 I.P.C., P.S. Keshav Puram, New Delhi and all proceeding emanating therefrom in view of the Settlement dated 20.10.2022 arrived at between the parties.

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2. This petition is accompanied by the Settlement dated 20.10.2022 and is also supported by affidavits of all the petitioners and of respondent no.2, alongwith proofs of their respective I.Ds.

3. Petitioner nos.1 to 5 and as also respondent no.2 are present in Court and have been identified by the IO. Their credentials have been verified by this Court.

4. Issue Notice.

5. Learned ASC for the State accepts notice. He confirms that he has no objection to the quashing of the present FIR.

6. Respondent no.2 confirms that the petitioner no.1 and respondent no.2 have been granted divorce by mutual consent vide Decree of Divorce dated 10.05.2023. She further affirms the Settlement dated 20.10.2022 whereby the petitioner no.1 has agreed to pay a sum of Rs.18,00,000/- out of which the petitioner no.1 has already paid her a sum of Rs.10,00,000/- and the remaining amount of Rs.8,00,000/- has been handed over to the respondent no. 2 vide DD no.059328 issued on 14.07.2023 on Axis Bank in full and final settlement of all her claims including alimony, maintenance (present, past and future), stridhan etc. She states that she has no objection to the quashing of the present FIR.

7. In view of the fact that the settlement has been arrived at between the parties, and as the respondent no.2 does not wish to continue with the criminal proceedings, in order to bring a quietus to the present disputes and following the law laid down by the Hon'ble W.P.(CRL) 2691/2023

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Supreme Court in *Gian Singh vs. State of Punjab & Anr.* (2012) 10 SCC 303 and *Narinder Singh & Ors. vs. State of Punjab & Anr.* (2014) 6 SCC 466, this Court is of the opinion that continuation of the aforesaid FIR will be an exercise in futility.

8. Accordingly, the petition is allowed and FIR No.0239/2019, dated 30.07.2019, u/S 498-A/406/34 I.P.C., P.S. Keshav Puram, New Delhi and all proceeding emanating therefrom are quashed, subject to the petitioner no.1 willingly providing 500 ml of “*Organic Fungicide for Plants*” to each of the five Police Stations namely PS: Ashok Vihar, PS: Keshav Puram, PS: Shalimar Bagh, PS: Bharat Nagar, PS: Mahendra Park, North-West Distt. within a period of two weeks.

9. This Court applauds the goodwill gesture shown by the petitioner no.1 in playing his bit for spreading the green cover in the city of Delhi.

10. The petition alongwith the pending application stands disposed of.

11. List the matter for compliance on 30.10.2023.

SAURABH BANERJEE, J

SEPTEMBER 19, 2023/So

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