

\$~3

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

+ CRL.M.C. 4130/2016 & Crl. M A Nos. 17219/2016

SUBODH KUMAR MISHRA Petitioner

Through: Mr. Mukesh Kumar, Advocate
along with petitioner in person.

versus

STATE (NCT OF DELHI) & ANR Respondents

Through: Mr. Raghuvinder Varma, APP for State
SI Umesh Yadav, PS-Uttam Nagar
Complainant present in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **01.12.2016**

Crl. M A No. 17220/2016 (for delay)

This is an application seeking condonation of delay in re-filing the accompanying petition.

For the reasons stated in the application, the delay is condoned.

The application stands disposed of.

Crl. M C No. 4130/2016

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.375/2002, under Sections 498A/406/34 IPC, registered at Police Station- Uttam Nagar, Delhi and all the proceedings emanating therefrom.

Counsel for the petitioner has submitted that petitioner is the husband of the complainant and due to temperamental differences and misunderstanding arisen between them, the marital relations between them

could not proceed further but consequently with the help of near relatives and close friends, they have amicably settled all their disputes and differences and their marriage has also been dissolved by mutual consent by a decree of divorce dated 18th November, 2015 granted by the Principal Judge (West), Tis Hazari Courts, New Delhi. Learned counsel for the petitioner further submits that all disputes have been amicably settled between the parties and nothing remains to be adjudicated upon further and submits that the FIR in question is coming as hurdle in the way of the present petitioner. He further submits that the petitioner and the respondent No.2 want to lead their independent and peaceful life in near future and since all disputes have been settled between them, the FIR in question and all proceedings arising therefrom may be quashed.

The respondent No.2/complainant is present in Court today and has been identified by the Investigating Officer, SI Umesh Yadav, P.S.Uttam Nagar, New Delhi. The complainant also admits that the matter has been amicably settled with the petitioner and she has no claim or grievance left against the petitioner. She further submits that the settlement/compromise dated 26th February, 2015 has taken place voluntarily, without any force, pressure or coercion. She further submits that their marriage has already been dissolved by mutual consent by a decree of divorce and she has got no objection if the FIR in question is quashed.

Keeping in view the facts and circumstances of the case and the fact that the matter has been amicably settled between the parties vide settlement deed dated 26th February, 2016 and also the marriage between the petitioner and respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 18th November, 2015, it is in their interest to lead

their independent and peaceful life in future, consequently, the FIR No.375/2002, under Sections 498A/406/34 IPC, registered at Police Station-Uttam Nagar, Delhi and all proceedings arising of the same are hereby quashed. Further, the parties are directed to abide by the terms of settlement dated 26th February, 2015.

The present petition is disposed of accordingly. All pending application(s) (if any) also stand disposed of.

I.S.MEHTA, J.

DECEMBER 01, 2016

P