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

+ **CRL.M.C. 4295/2016**

SUNIL

..... Petitioner

Through: Mr.Pradeep Kumar Mishra, Adv.

versus

THE STATE & ANR.

..... Respondents

Through: Mr.Izhar Ahmad, APP for State with
WSI Sarita, Police Station-Mundka

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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17.11.2016

CRL.M.A.17894/2016 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 4295/2016

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.75/2015, under Sections 498A/406 IPC, registered at Police Station-Mundka, Delhi and all the proceedings emanating therefrom.

Counsel for the petitioner has submitted that the petitioner is the husband of the complainant, who got married on 6th May, 2013 and due to temperamental differences, the petitioner and the complainant started living separately since 5th June, 2014. He has further submitted that since there are temperamental differences up till now, the parties are unable to reside under one roof, however, they opted for separation and to this extent the matter has

been settled. He has further submitted that the said settlement document is dated 9th December, 2015 and during the process of misunderstanding between the parties, FIR No.75/2015, under Sections 498A/406 IPC was registered. He has further submitted that as per the settlement, the amount and the dowry articles were returned to the complainant and prays that since both the parties are living separately right now to have future peaceful live in the respective parties, the present FIR in question may be quashed.

Respondent No.2/ complainant, Ms.Jyoti is present in Court today and is identified by the Investigating Officer, WSI Sarita of P.S. Mundka. Respondent No.2/complainant admits that all her dowry articles have been returned to her and to this extent the matter has been settled. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. She further submits that she has no objection if the present FIR is quashed against the petitioner.

Since both the parties have opted to live separately due to their temperamental differences and the dispute pertaining to the dowry articles is being settled, it is in the interest of both the parties to live separately to have peace in their respective life, I deem it appropriate to quash FIR No.75/2015, under Sections 498A/406 IPC, registered at Police Station-Mundka, Delhi and all the proceedings emanating therefrom are quashed.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

NOVEMBER 17, 2016/radhika