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

+ **CRL.M.C. 4142/2016 & CRL.M.A.17257/2016**

JITENDER BIRHMAN

..... Petitioner

Through: Mr.Bijay Mohan Goswami, Adv. with
petitioner in person.

versus

STATE (NCT OF DELHI) & ORS.

..... Respondents

Through: Mr.G.M.Farooqui, APP for State
SI Arun Dagar, PS-Kapashera
Mr.Inder Singh Shokeen, Adv. for R2

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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01.12.2016

CRL.M.A.17256/2016 & 17258/2016

Exemption granted, subject to all just exceptions.

Applications stand disposed of.

CRL.M.C. 4142/2016

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.53/2010, under Sections 498A/406/34 IPC, registered at Police Station-Kapashera, 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 12th December, 2013 granted by the Principal Judge, Family Courts (Dwarka), New Delhi. Learned counsel for the petitioner further submits that the petitioner has already handed over a demand draft No.057034 dated 29.10.2016 for a sum of Rs.5,00,000/- (rupees Five Lakhs only) drawn on Andhra Bank to the complainant. He 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 her counsel and the Investigating Officer, SI Arun Dagar, P.S.Kapashera, 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 4th July, 2016 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 4th July, 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 12th December, 2013, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.53/2010, under Sections 498A/406/34 IPC, registered at Police Station-Kapashera, Delhi and all proceedings arising of the same are hereby quashed.

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

Copy of this order be given *dasti*.

I.S.MEHTA, J

DECEMBER 01, 2016/radhika