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

+ CRL.M.C. 4150/2016
AJAY KUMAR SHARMA & ORS

..... Petitioners

Through: Mr.Ankit Aggarwal, Advocate with
the petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for State
with ASI Raj Kumar, P.S. Dabri, New
Delhi.
Mr.R.P.Kaushik and
Mr.G.K.Virmani, Advocates for R2
with R-2/complainant in person.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

% **ORDER**
29.11.2016

Crl.M.A.No.17290/2016 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 4150/2016

This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioners seeking quashing of FIR bearing No.878/2003, under Sections 498-A/406 IPC, registered at Police Station Dabri, New Delhi and all proceedings arising therefrom.

Learned counsel for the petitioners submits that the marriage between the petitioner No.1 and the respondent No.2 was solemnized on 24.05.2001 at Delhi according to Hindu rites and ceremonies and out of the said wedlock, a male child, namely, Master Ankit, was born on 24.06.2002. Counsel for the petitioners further submits that the petitioner No.1 Ajay Kumar Sharma is the husband; petitioner No.2 Smt. Satya Wati is the mother-in-law, petitioner No.3 Sh. Arun Kumar Sharma is the brother-in-law and the petitioners No.4 & 5, namely, Smt. Vandana Sharma and Smt. Poonam Sharma are the sisters-in-law of the respondent No.2/complainant. Counsel further submits that after the solemnization of marriage, misunderstanding arose between the parties and the respondent No.2/complainant made a complaint to CAW Cell, South-West and on the basis of said complaint, an FIR bearing No.878/2003, under Sections 498-A/406 IPC was registered with Police Station Dabri, New Delhi. Subsequently, the respondent No.2 also filed a petition under Section 125 Cr.P.C. claiming maintenance from the petitioner No.1 for herself and her minor child. The said petition was allowed in their favour which resulted in filing of several execution petitions by the respondent No.2 against the petitioner No.1. It is further submitted that during the pendency of the above said criminal case and execution petitions, the matter was referred to Mediation Centre, Dwarka Courts, New Delhi, where all the matrimonial disputes between the parties were settled amicably and it was decided between the parties to obtain a decree of divorce by mutual consent and get the marriage dissolved.

It is further submitted that in terms of the settlement, the petitioner No.1 has agreed to pay a total sum of Rs.13,50,000/- to the respondent No.2

towards full and final settlement of all claims of the respondent No.2 regarding dowry articles, stridhan, permanent alimony and maintenance of herself as well as child's education/maintenance (past, present and future). Out of the said settled amount, a sum of Rs.9,00,000/- has already been paid to the respondent No.2 and the balance and remaining amount of Rs.4,50,000/- has been agreed to be paid to her at the time of quashing of FIR in question before this Court. Counsel further submits that the marriage between the parties has already been dissolved by a decree of divorce dated 05.10.2016 granted by the Family Court, Dwarka and nothing remains to be adjudicated between the parties.

The respondent No.2/complainant is present in Court today and has been identified by the Investigating Officer, ASI Raj Kumar, P.S. Dabri, New Delhi and Mr.G.K.Virmani, Advocate for the respondent No.2/complainant. A demand draft bearing No.5517341 dated 03.11.2016 in the sum of Rs.4,50,000/- drawn on Bank of India has already been handed over by counsel for the petitioners to the respondent No.2/complainant towards the balance settled amount which has been duly accepted and received by her. The respondent No.2/complainant admits that she has amicably settled the matter with the petitioners out of her own free will and without any force, pressure or coercion and now she is left with no claim or grievance of any nature against the petitioners and to have peace in the lives of both families, the present FIR, which is creating hurdle in their way, may be quashed.

Keeping in view the facts and circumstances, since the matter has been amicably settled/compromised between the parties and the fact that the marriage between the petitioner No.1 and respondent No.2/complainant has

already been dissolved by a decree of divorce by mutual consent, to have peace and harmony in their lives, it has become necessary to quash the FIR in question and all the subsequent proceedings.

Consequently, FIR bearing No.878/2003, under Sections 498-A/406 IPC, registered at Police Station Dabri, New Delhi and all the proceedings arising therefrom are hereby quashed.

The petition stands disposed of accordingly.

I.S.MEHTA, J

NOVEMBER 29, 2016

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