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

+ CRL.M.C. 11/2017

JITENDER & ORS

..... Petitioners

Through: Mr.Sahil, Adv. with Mr.Sunil Kumar,
Adv.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr.Raghuvinder Varma, APP for
State with SI Vinod Kr. Tyagi, CAW
Cell, Bhajan Pura
Mr.Shantanu Bhardwaj, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **03.01.2017**

CRL.M.A.48/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 11/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.215/2009, under Sections 498A/406/34 IPC & Section 4 of Dowry Prohibition Act, 1961, registered at Police Station-Bhajan Pura, Delhi and all the proceedings emanating therefrom.

Counsel for the petitioner has submitted that petitioner No.1 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 6th March, 2010 granted by the Additional District Judge: 02, N/E, Karkardooma Court, Delhi. 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 petitioners. He further submits that the petitioner No.1 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 Vinod Tyagi, P.S. Bhajan Pura, Delhi. The complainant also admits that the matter has been amicably settled with the petitioners at Mediation Centre, Karkardooma Courts, Delhi on 6th December, 2016. She further submits that the settlement/compromise 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 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 and also the marriage between the petitioner No.1 and respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 6th March, 2010, it is in their interest to lead their independent and peaceful life in future,

consequently, the FIR No.215/2009, under Sections 498A/406/34 IPC & Section 4 of Dowry Prohibition Act, 1961, registered at Police Station-Bhajan Pura, Delhi and all proceedings arising of the same are hereby quashed. Parties to remain bound by the terms of settlement dated 6th December, 2016. The Court below is directed to release the FDR No.074547 dated 19/09/2009 drawn on The Nainital Bank Ltd., Branch Shalimar Bagh, Delhi to the complainant/respondent No.2 Smt.Navjeet Kaur forthwith along with interest accrued, if any.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

JANUARY 03, 2017
radhika