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

+ CRL.M.C. 161/2017

DILDAR SINGH @ KABULI & ORS.

..... Petitioners

Through: Mr.M.S.Bammi, Mr.Arvind Sharma
and Mr.Mukul Tomer, Advocates
with the petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr.G.M.Farooqui, APP for State with
ASI Vinod Tyagi, CAW/East Delhi.
Mr.S.U.Mirza, Advocate for R2 with
R2/complainant in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **16.01.2017**

CRL.M.A.749/2017 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 161/2017

This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioners seeking quashing of FIR No.374/2013, under Sections 498A/406/34 IPC, registered at Police Station Geeta Colony, Delhi and all proceedings emanating therefrom.

Counsel for the petitioners submits that the petitioner No.1 Dildar Singh was the husband, petitioners No.2 & 5, namely, Shamsher Singh and

Heera Singh were the brothers-in-law and petitioners No.4 & 6, namely, Smt.Surender Kaur and Smt.Sita Devi were the sisters-in-law and the petitioner No.3 Shri Sawan Singh was the father-in-law of the respondent No.2/complainant, Smt.Amrit Kaur. Counsel for the petitioners further submits that the marriage between the petitioner No.1 and respondent No.2 was solemnized on 26.08.2007 as per Hindu/Sikh rites and rituals and out of the said wedlock between the parties, a girl child, namely, Ms.Harjeet Kaur was born on 17.09.2008 who is in the custody of the respondent No.2/complainant. Counsel for the petitioners further submits that due to temperamental differences arisen between the parties, the respondent No.2 started living separately since 30.10.2011, which resulted in registration of an FIR No.374/2013, under Sections 498A/406/34 IPC at Police Station Geeta Colony, Delhi. Counsel further submits that after the registration of the FIR, the near relatives and friends intervened and the matter has been amicably settled/compromised between the parties before the Mediation Centre, Karkardooma Courts, Delhi vide settlement agreement dated 28.01.2016. Counsel for the petitioners further submits that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 09.12.2016 passed by the Principal Judge, Family Court (East), Vishwas Nagar, Delhi. Counsel for the petitioners further submits that as per the settlement, all the amounts due have been paid/handed over to the respondent No.2/complainant and the last instalment of Rs.2 lakhs has also been given/handed over to the respondent No.2/complainant vide demand draft bearing No.084916 dated 12.01.2017 drawn on HDFC Bank and nothing further is due and payable to her. Counsel further submits that the matter has been amicably settled and

nothing further remains to be adjudicated between the parties and submits that the aforesaid FIR is coming as a hurdle in the peaceful life of both the parties and prays that the aforesaid FIR may be quashed.

The respondent No.2/complainant is present in Court today and has been identified by the IO ASI Vinod Tyagi and also by her counsel Mr.S.U.Mirza, Advocate. The complainant, present in person, admits the factum of amicable settlement with the petitioners and further admits that the said settlement reached between them is voluntary and without any force, pressure or coercion. Complainant, present in person, further admits that as per the settlement she has received all the due amount from the petitioners and nothing further remains to be adjudicated between them. She further admits that her marriage with the petitioner No.1 has already been dissolved vide judgment and decree dated 09.12.2016 passed by the Principal Judge, Family Court (East), Vishwas Nagar, Delhi. She further submits that the minor daughter Ms.Harjeet Kaur is in her custody and further submits that she has no objection if the aforesaid FIR is quashed.

Looking into the above facts and circumstances, since the matter has been amicably settled/compromised between the parties before the Mediation Centre, Kakardooma Court, Delhi vide settlement dated 28.01.2016 which has been duly complied with by the parties, and the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved by the concerned Family Court vide judgment and decree of divorce dated 09.12.2016 and the minor daughter is in the custody of the respondent No.2/complainant, who is her mother and natural guardian and nothing remains to be adjudicated further between the parties, I deem it appropriate to quash the FIR in question. Consequently, to meet the ends of

justice, FIR No.374/2013, under Sections 498A/406/34 IPC, registered at Police Station Geeta Colony, Delhi and all proceedings emanating therefrom are hereby quashed.

The present petition is allowed and stands disposed of accordingly.

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

I.S.MEHTA, J

JANUARY 16, 2017

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