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

+ **CRL.M.C. 1091/2017**

LAL SINGH YADAV

..... Petitioner

Through: Mr.Pratap Singh, Adv. with
Ms.Sukanya Sharma, Adv.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for the
State
Mr.Suraj Bhan, Adv. for R-2 with R-2
in person
S.I. Arun Kr, P.S. Tilak Nagar

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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17.03.2017

CRL.M.A. 4511/2017

For the reasons mentioned in the application, the delay in re-filing the petition is condoned.

Application stands disposed of.

CRL.M.A.4510/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 1091/2017

Learned counsel for the petitioners submits that Smt. Sunita Yadav has not been made party and seeks permission to file amended memo of

parties. The prayer is allowed. Amended memo of parties is taken on record.

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.434/2011, under Sections 323/354/506/34 IPC, registered at Police Station- Tilak Nagar, Delhi and all the proceedings emanating therefrom.

Counsel for the petitioners has submitted that petitioner No.1 got married with respondent No.2 on 29.01.1988 and out of the said wedlock one son and one daughter were born and the daughter has already expired. He further submits that the son namely Abhishek Yadav is right now residing with the petitioner. He further submits that 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 09.08.2016 granted by the Principal Judge, Family Courts, West, Tis Hazari Courts, 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 petitioners 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, Sub Inspector Arun Kumar and represented through Mr.Suraj Bhan, Advocate. The complainant also admits that the matter has been amicably settled with the petitioners and she has no

claim or grievance left against the petitioners. 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 09.08.2016, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No. 434/2011, under Sections 323/354/506/34 IPC, registered at Police Station- Tilak Nagar, Delhi and all proceedings emanation therefrom are hereby quashed.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MARCH 17, 2017/km