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

+ W.P.(CRL) 463/2017

ANKUR GUPTA & ORS Petitioners

Through: Mr.Amit Rao, Adv.

versus

STATE & ANR Respondents

Through: Ms.Srilina Roy, Adv. for Ms.Nandita
Rao, ASC(Crl.) for State
ASI Bhagmal Singh, Police Station-
Desh Bandhu Gupta Road
Mr.Ravinder Kumar, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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23.05.2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.39/2015, under Sections 498-A/506/406/354/34 IPC, registered at Police Station- Desh Bandhu Gupta Road, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioners submits that the petitioner No.1, Mr.Ankur Gupta got married with respondent No.2, Ms.Nidhi Jain on 09.12.2010 according to Hindu rites and customs and out of the said wedlock one daughter namely Riddhima Gupta was born on 26.03.2013 who is in the custody of her mother i.e. respondent No.2, Ms.Nidhi Jain. 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 in Mediation Centre, Tis Hazari Courts, Delhi vide settlement deed dated 27.03.2015 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 30.07.2016 granted by the Principal Judge, Family Court, Central District, 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, Ms.Nidhi Jain is present in Court today and has been identified by the Investigating Officer, ASI Bhagmal Singh, Police Station-Desh Bandhu Gupta Road, Delhi. The complainant also admits that the matter has been amicably settled with the petitioners and as per the terms of settlement, she has already received all dues from the petitioners. She further submits that her daughter namely Riddhima Gupta shall remain in her custody. She further submits that 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, Mr.Ankur Gupta and respondent No.2, Ms.Nidhi Jain has already been dissolved by mutual consent by a decree of divorce dated 30.07.2016 and also the custody of minor daughter namely Riddhima Gupta is in the custody of natural guardian i.e. respondent No.2, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.39/2015, under Sections 498-A/506/406/354/34 IPC, registered at Police Station- Desh Bandhu Gupta Road, Delhi and all proceedings arising of the same are hereby quashed. Parties to remain bound by the terms of settlement dated 27.03.2015.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MAY 23, 2017/sr