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

+ W.P.(CRL) 239/2017

SURINDER BATRA & ORS.

..... Petitioners

Through: Mr.Shailendra Babbar, Adv.

Versus

STATE & ANR.

..... Respondents

Through: Mr.Aashish Aggarwal, ASC for State
with Mr.Piyush Singhal, Adv.
W/ASI Vidya, PS-Paschim Vihar
Mr.Rakesh Bhalla, Adv. for R-2
R-2 present in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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14.09.2017

CRL.M.A.1463/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 239/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.396/2016, under Sections 354/323/509/34 IPC, registered at Police Station-Paschim Vihar, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioners submit that the present matter pertains to matrimonial dispute and he further submits that the petitioner No.2, Mr.Gaurav Batra got married with respondent No.2, Ms.Priyanaka on 12.10.2014 according to Hindu rites and customs. 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 before the Mediation Centre, Tis Hazari Courts, Delhi on 11.01.2017 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 28.08.2017 granted by the Principal Judge, Family Court, 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, Ms.Priyanaka is present in Court today and has been identified by the Investigating Officer, ASI Vidya, PS-Paschim Vihar, 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 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. 2, Mr.Gaurav Batra and respondent No.2, Ms.Priyanaka has already been dissolved by mutual consent by a

decree of divorce dated 28.08.2017, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.396/2016, under Sections 354/323/509/34 IPC, registered at Police Station-Paschim Vihar, Delhi and all proceedings arising of the same are hereby quashed.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

SEPTEMBER 14, 2017

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