

\$~12

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

+ CRL.M.C. 579/2017

SAGAR @ HARINDER & ANR Petitioners

Through Mr.Nagendra Pratap Singh, Adv.

versus

STATE (NCT OF DELHI) & ANR Respondents

Through Mr.Kamal Kr. Ghei, APP for State
Mr.Pankaj Bagga, Adv. for R-2
S.I. Gajendra Singh, P.S. Nanak Pura

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **24.05.2017**

This is a petition under Section 482 Cr.P.C. moved by the petitioners for quashing of FIR No.60/2009, under Sections 498-A/406/34 IPC, registered at P.S. CAW Nanak Pura and all the subsequent proceedings emanating therefrom.

Learned counsel for the petitioners submits that the marriage between the petitioner No.1 and the respondent No.2/complainant was solemnized on 02.12.2007 as per Hindu rites and ceremonies and out of the said wedlock one female child namely Pari was born on 27.10.2008. He further submits that the said child is right now in custody of respondent No.2. Counsel further submits that subsequently misunderstanding between the parties has arisen, which resulted into the registration of aforesaid FIR. He further submits that after the registration of the FIR, the near relatives and close

friends intervened and the matter has been amicably settled between the parties before the Mediation Centre vide Settlement Deed dated 20.02.2010. He further submits that their marriage has been dissolved vide judgment and decree dated 15.11.2010 granted by the ADJ-01 (North), Tis Hazari Courts, Delhi. He further submits that as per the settlement, all the due amount has been paid to the respondent No.2 and that nothing remains to be adjudicated upon further. He also 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, S.I. Gajender Singh. The complainant submits 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 Pari 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 and respondent No.2 has already been dissolved by mutual consent by a decree of divorce, it is in their interest to

lead their independent and peaceful life in future.

Consequently, the FIR No.60/2009, under Sections 498-A/406/34 IPC, registered at P.S. CAW Nanak Pura and all proceedings arising out of the same are hereby quashed.

The present petition is allowed and disposed of accordingly.

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

I.S.MEHTA, J

MAY 24, 2017/km