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

\+ CRL.M.C. 804/2017

ASHWANI KUMAR & ANR. ..... Petitioners
Through: Mr.Pradeep Kumar Kaushik, Adv.
with Dr.Sunil Kumar, Adv.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. ..... Respondents
Through: Mr.Raghuvinder Varma, APP for State with SI Rakesh Kumar, Police Station-New Ashok Nagar
Mr.Ayush Gupta, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

O R D E R

% 28.02.2017

CRL.M.A.3417/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 804/2017 & CRL.M.A.3416/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.496/2013, under Sections 498A/406/34 IPC, registered at Police Station-New Ashok Nagar, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioners submits that the petitioner No.1, Mr.Ashwani Kumar got married with respondent No.2, Ms.Garima Kapil on 19.11.2011 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 vide settlement deed dated 23.05.2016 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 17.12.2016 granted by the Principal Judge, District East, Vishwas Nagar, Family Court, 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 petitioner. He further submits that the petitioner 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.Garima Kapil is present in Court today and has been identified by the Investigating Officer, SI Rakesh Kumar, P.S. New Ashok Nagar, 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.1, Mr.Ashwani Kumar and respondent No.2, Ms.Garima Kapil has already been dissolved by mutual consent by a

decree of divorce dated 17.12.2016, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.496/2013, under Sections 498A/406/34 IPC, registered at Police Station-New Ashok Nagar, Delhi and all proceedings arising of the same are hereby quashed.

The present petition is disposed of accordingly. All pending application(s) (if any) also stand disposed of.

Copy of this order be given *dasti*.

I.S.MEHTA, J

FEBRUARY 28, 2017/*radhika*