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

+ CRL.M.C. 489/2017

ASHISH

..... Petitioner

Through: Mr. Vikas Sharma, Advocate with
petitioner present in person

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Kamal Kr. Ghei APP for State,
with S.I Gajender Singh P.S-Nanak
Pura, with Mr. R.K. Dixit, Advocate
with R-2 present in person

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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30.08.2017

CRL.M.A.2121/2017

CRL.M.A.2122/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 489/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.23/2012, under Sections 498-A/406/34 IPC, registered at Police Station-Nanak Pura, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner, Mr.Ashish got married with respondent No.2, Ms.Rama on 06.05.2009 according to Hindu rites and customs and out of the said wedlock one daughter namely Geet was born on 18.1.2010 who is in the custody of her

father i.e. petitioner, Mr.Ashish. 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 16.02.2016 granted by the Principal Judge, Family Courts, Dwarka, New 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.Rama is present in Court today and has been identified by the Investigating Officer, SI Virender Singh, PS-Vijay Vihar, Delhi alongwith counsel Mr. R.K. Dikshit. The complainant also admits that the matter has been amicably settled with the petitioner and as per the terms of settlement, she has already received all dues from the petitioners and the last instalment of Rs. 50,000/- (Rupees Fifty Thousand only) has been received by her through DD no. 149797 dated 24.08.2017. She further submits that her daughter namely Geet shall remain in custody of her father (petitioner herein). She further submits that she has no claim or grievance left against the petitioner. 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.Ashish and respondent No.2, Ms.Rama has already been dissolved by mutual consent by a decree of divorce dated 16.02.2016 and also the custody of minor daughter namely Geet is in the custody of natural guardian/father i.e. petitioner, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.23/2012, under Sections 498-A/406/34 IPC, registered at Police Station-Nanak Pura, 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

AUGUST 30, 2017/RV