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

+ CRL.M.C. 496/2017

JASWANT & ORS

..... Petitioners

Through: Ms.Sonia Malhotra, Adv.

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through: Mr.G.M.Farooqui, APP for State
SI Punit Tushir, PS-Bawana
Mr.G.Singh, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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07.02.2017

CRL.M.A.2179/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 496/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.66/99, under Sections 498A/406/34 IPC, registered at Police Station-Narela, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioners submits that the petitioner No.1, Mr.Jaswant got married with respondent No.2, Ms.Nitesh Kumari on 08.07.1992 according to Hindu rites and customs and out of the said wedlock two daughters namely Ms.Preeti, aged about 24 years and Ms.Bhawna, aged about 23 years were born. 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 the terms of settlement has been reduced down into writing vide compromise deed dated 21.11.2013, which is attested on 21.01.2017. He further submits that the marriage between the petitioner No.1, Mr.Jaswant and respondent No.2, Ms.Nitesh Kumari has also been dissolved by a decree of divorce dated 19.03.2009 granted by the Additional District Judge (North-01), Tis Hazari Courts, Delhi. He further submits that the terms of settlement has been acted upon. He further submits that the daughters of petitioner No.1 and respondent No. 2 are in custody of petitioner No.1. He 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.Nitesh Kumari is present in Court today and has been identified by the Investigating Officer, SI Punit Tushir. The complainant submits that her daughters are in the custody of petitioner No.1, Mr.Jaswant. The complainant also admits that the matter has been amicably settled with 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 a decree of divorce and she has no objection if the

FIR in question is quashed.

Counsel for respondent No.2/complainant submits that demand draft No. 081945 dated 04.01.2017 for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) drawn on Canara Bank which is deposited in the Trial Court be released in favour of the respondent No.2/complainant, Ms.Nitesh Kumari. Counsel for the petitioner has got no objection to the same.

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.Mahesh Chandra Bhatt and respondent No.2, Ms.Sushma has already been dissolved by a decree of divorce dated 19.03.2009, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.66/99, under Sections 498A/406/34 IPC, registered at Police Station-Narela, Delhi and all proceedings arising of the same are hereby quashed.

Trial Court to release the aforesaid demand draft in favour of complainant/respondent No.2, Ms.Nitesh Kumari; on moving appropriate application.

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

Copy of the order be given *dasti* as prayed.

I.S.MEHTA, J

FEBRUARY 07, 2017/radhika