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

+ CRL.M.C. 735/2017

LOKESH KUMAR

..... Petitioner

Through: Mr.Sandeep Jain, Adv.

versus

STATE & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State
Mr.Narender Singh, Adv. for R-2
S.I. Samrat Khatiyar, P.S. Harsh
Vihar

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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11.05.2017

This is a petition under Section 482 Cr.P.C. moved on behalf of the petitioner for quashing of FIR No.62/2012, under Sections 498-A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at Police Station- Harsh Vihar and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the marriage between the petitioner and the respondent No.2/complainant was solemnized on 02.03.2009 according to Hindu rites and customs and out of the said wedlock one child namely Darsh @ Darshit was born on 02.01.2010. The said child is in custody of respondent No.2. Counsel further submits that after the marriage misunderstanding between the parties had arisen, which resulted into registration of the 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, which has been reduced into writing vide Settlement Deed dated 21.03.2016. He further submits that their marriage has also been dissolved by mutual consent by a decree of divorce dated 23.12.2016 granted by the Principal Judge, Family Courts, Karkardooma Court, Delhi. He further submits that the last instalment amounting to Rs.1,50,000/- has already been paid to respondent No.2 by way of demand draft bearing No.437210, dated 02.02.2017, amounting to Rs.1,50,000/-, drawn on Corporation Bank 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 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 is present in Court today and has been identified by the Investigating Officer, S.I. Samrat Khatiyani. The complainant also admits that the matter has been amicably settled with the petitioner and she has received the last instalment of Rs.1,50,000/- by way of aforesaid demand draft and nothing remains due against the petitioner. She further submits that the minor child is in her custody. 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 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.62/2012, under Sections 498-A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961 registered at Police Station- Harsh Vihar and all proceedings arising out of the same are hereby quashed.

Parties to remain bound by terms of Settlement Deed dated 21.03.2016.

The present petition is allowed and disposed of accordingly.

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

I.S.MEHTA, J

MAY 11, 2017/km