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

+ **CRL.M.C. 832/2017**

HARPRASAD SAHU & ORS

..... Petitioners

Through: Mr.Nasiruddin, Advocate with the
petitioners in person.

versus

STATE (GOVT OF NCT) OF DELHI & ORS

..... Respondents

Through: Mr.Izhar Ahmad, APP for the State
with Insp. Veer Singh, SHO and IO
SI Omvir Singh, P.S. Nand Nagri,
Delhi.

Mr.Salman Khan, Advocate for R2
with R2/complainant in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **01.03.2017**

Crl.M.A.No.3531/2017 (Exemption)

Exemption granted, subject to all just exceptions

Application stands disposed of.

CRL.M.C. 832/2017

This is a petition under Section 482 Cr.P.C. moved on behalf of the petitioners for quashing of FIR No.400/2013, under Sections 498-A/406/377/34 IPC, registered at P.S. Nand Nagri, Delhi and all subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that the petitioner No.1 Harprasad Sahu was the husband, petitioners No.2 & 4 were the brothers-in-law (jeth) and petitioner No.3 was the sister-in-law (jethani) of the respondent No.2. Counsel for the petitioners further submits that the marriage between the petitioner No.1 Harprasad and the respondent No.2/complainant Smt. Seema Sahu was solemnized on 04.07.2003 at Delhi

according to Hindu rites and ceremonies and out of the said wedlock two male children, namely, Pawan and Nikhil were born on 02.10.2005 and 28.06.2007 respectively. Counsel further submits that after the marriage misunderstanding between the parties had 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 and statements of the parties to this effect have been recorded before the Family Court, Shahdara, Delhi on 24.02.2016 and the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 26.09.2016 passed by the Principal Judge, Family Court, Karkardooma Courts, Delhi. Counsel further submits that right now both the minor children are in the care and custody of the respondent No.2, their mother and natural guardian. Counsel further submits that nothing further remains to be adjudicated between the parties and further submits that the petitioner No.1 is a handicapped person, however, the present FIR is coming as hurdle in the peaceful life of the present petitioners and prays that 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, SI Omvir Singh, P.S. Nand Nagri, Delhi and is also represented by her counsel Mr.Salman Khan, Advocate. The complainant admits that the matter has been amicably settled with the petitioners and the misunderstanding has been sorted out and the said settlement arrived at with the petitioners is voluntary and without any force, pressure or coercion. She further admits that the said settlement reached with the petitioners has been reduced down by recording the oral

statements of the parties before the Family Court, Shahdara, Delhi on 24.02.2016 and the same has been acted upon between the parties and she has received all due amounts from the petitioners and nothing remains due and to be paid to her by the petitioners. She further submits that their marriage has already been dissolved by mutual consent by a decree of divorce dated 26.09.2016 passed by the Principal Judge, Family Court, Karkardooma Courts, Delhi 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 all the misunderstanding has been sorted out and oral statements of the parties have been recorded to this effect and the same has been acted upon and nothing further remains to be adjudicated between them and that the marriage between the petitioner No.1 and respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 26.09.2016, to have peace in the life of the parties and to meet the ends of justice, I deem it appropriate to quash the aforesaid FIR and all subsequent proceedings arising out of the same.

Consequently, FIR No.400/2013, under Sections 498-A/406/377/34 IPC, registered at P.S. Nand Nagri, Delhi and all subsequent proceedings arising therefrom are hereby quashed.

The present petition is disposed of accordingly.

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

I.S.MEHTA, J

MARCH 01, 2017/‘dc’