

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 908/2017
ASHOK KUMAR & ORS. Petitioners
Through: Mr.Rajnish Kr. Singh, Advocate.
versus
THE STATE (NCT OF DELHI) & ANR. Respondents
Through: Mr.Raghuvinder Varma, APP for
State with SI Ram Phool, P.S.
Paschim Vihar, Delhi.
Mr.Radhey Shyam, Advocate for R2
with R2/complainant in person.

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

ORDER

% **06.03.2017**

CRL.M.A.3822/2017 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 908/2017 and CRL.M.A.3821/2017 (stay)

This is a petition under Section 482 Cr.P.C. moved on behalf of the petitioners for quashing of FIR No.42/2011, under Sections 498-A/406/34 IPC, registered at P.S. Paschim Vihar, New Delhi and all subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that the petitioner No.1 Ashok Kumar was the husband, petitioner No.2 Khem Chand Sharma was the father-in-law, petitioner No.3 was the mother-in-law, petitioner No.4 was the brother-in-law and petitioners No.5 to 8 were the sisters-in-law of the respondent No.2. Counsel for the petitioners further submits that the

marriage between the petitioner No.1 and the respondent No.2 was solemnized on 26.02.2009 at Delhi according to Hindu rites and ceremonies. 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 the same has been reduced into writing in the year 2015 and the marriage of the petitioner No.1 and the respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 29.08.2016 passed by the Principal Judge, Family Court, Tis Hazari Courts (West), Delhi. Counsel further submits that the said settlement executed between the parties has been acted upon by the parties and the last instalment of Rs.4,00,000/- has already been paid by the petitioners to the respondent No.2/complainant vide demand draft bearing No.658919 dated 06.3.2017 drawn on Kotak Mahindra Bank in favour of the respondent No.2 and nothing further remains to be adjudicated between the parties, 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 Ram Phool, P.S. Paschim Vihar, New Delhi and also represented by her counsel Mr. Radhey Shyam, 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 and the same has been acted upon between the

parties. She further submits that she has received all due amounts from the petitioners and nothing remains due to be paid to her by the petitioners. She further submits that her marriage with the petitioner No.1 has already been dissolved by mutual consent by a decree of divorce dated 29.08.2016 passed by the Principal Judge, Family Court, Tis Hazari Courts (West), Delhi and she has no objection, if the FIR in question is quashed.

Looking into the above facts and circumstances of the case since the matter has been amicably settled between the parties and all the misunderstanding has been sorted out and the said settlement has been reduced down into writing in the year 2015 and the same has been acted upon and nothing further remains to be adjudicated between them and that the marriage of the petitioner No.1 and the respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 29.08.2016, 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.42/2011, under Sections 498-A/406/34 IPC, registered at P.S. Paschim Vihar, New Delhi and all subsequent proceedings arising therefrom are hereby quashed.

The present petition is allowed and stands disposed of accordingly.

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

I.S.MEHTA, J

MARCH 06, 2017

'dc'