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

+ CRL.M.C. 1124/2017

RAJESH KUMAR

..... Petitioner

Through Mr.Krishna Dev Pandey, Adv.

versus

STATE & ANR.

..... Respondents

Through Mr.Izhar Ahmad, APP for State
ASI Devender, P.S. Dabri

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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24.05.2017

This is a petition under Section 482 Cr.P.C. moved by the petitioner for quashing of FIR No.402/2013, under Sections 498-A IPC, registered at P.S. Dabri and all the subsequent proceedings emanating therefrom.

Learned counsel for the petitioner submits that the marriage between the petitioner No.1 and the respondent No.2/complainant was solemnized on 19.02.2012 as per Hindu rites and ceremonies. Counsel further submits that subsequently misunderstanding between the parties has 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 before the Counselling Cell, Family Courts, Dwarka Court, New Delhi vide Settlement Deed dated 21.09.2015. He further submits that their marriage has been dissolved vide judgment and decree dated 29.08.2016 granted by Principal

Judge, South-West District Family Court, Dwarka, New Delhi. He further submits that as per the settlement, the last instalment amounting to Rs.1,00,000/- has been paid by way of demand draft bearing No.416060, dated 22.05.2017, drawn on State Bank of India 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, A.S.I. Devender. The complainant submits that the matter has been amicably settled with the petitioner and as per the terms of settlement, she has received the last instalment amounting to Rs.1,00,000/- by way of aforementioned demand draft and that she has no grievance or claim 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.402/2013, under Sections 498-A IPC,

registered at P.S. Dabri and all proceedings arising out of the same are hereby quashed.

Parties to remain bound by terms of Settlement Deed dated 21.09.2015.

The present petition is allowed and disposed of accordingly.

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

I.S.MEHTA, J

MAY 24, 2017/km