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

+ W.P.(CRL) 1444/2017

SMT SHIKHA RATTAN & ORS Petitioners

Through: Mr.Vineet Jain, Adv.

versus

STATE & ANR Respondents

Through: Ms.Anya Singh, Adv. for Ms.Avi
Singh, ASC for State
S.I Naveen and ASI Rajeev, P.S.
Subzi Mandi
Mr.R.N. Vats, Adv. with Mr.Sanjeev
Kr., Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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15.05.2017

CRL.M.A.7956/2017

For the reasons mentioned in the application, the delay in re-filing the petition is condoned.

Application stands disposed of.

CRL.M.A.7955/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1444/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.59/2016, under Sections 341/323/354/354(B)/34 IPC, registered at Police Station Subzi Mandi and all the proceedings emanating therefrom.

Learned counsel for the petitioners submits that the present FIR has arisen out of the matrimonial dispute. He further submits that the marriage of the petitioner No.1 was solemnized with the son of respondent No.2 on 16.10.2010 according to Hindu rites and ceremonies and out of the said wedlock one female child namely Anshika was born on 22.08.2011 and right now the said child is in custody of the petitioner No.1. Counsel further submits that after the birth of child misunderstanding has arisen between the parties, which resulted into registration of the said FIR. He further submits that the cross FIR bearing No.58/2016, P.S. Subzi Mandi has also been registered. He further submits that after the registration of the said FIRs, the near relatives and close friends intervened and the matter has been amicably settled between the parties before the Mediation Centre, Tis Hazari Courts, Delhi vide Settlement Deed dated 02.05.2016. He further submits that the marriage between the petitioner No.1 and son of respondent No.2 has already been dissolved vide judgment and decree dated 15.12.2016 granted by the Principal Judge, Family Court, Central District, Tis Hazari, Delhi. He also 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 is present in Court today and has been identified by the Investigating Officer, SI Naveen. The complainant also admits that the matter has been amicably settled with the petitioners. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. She further submits that

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 No.1 and son of 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.59/2016, under Sections 341/323/354/354(B)/34 IPC, registered at Police Station Subzi Mandi and all proceedings emanating therefrom are hereby quashed.

Parties to remain bound by terms of Settlement Deed dated 02.05.2016.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MAY 15, 2017/km