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

+ CRL.M.C. 3731/2014

ASHOK KUMAR & ORS Petitioners
Through: Mr.N.M.Popli, Adv.

versus

STATE & ANR Respondents
Through: Mr.Raghuvinder Varma, APP for
State with SI Amerjeet, PS-Narela

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

ORDER
% **16.05.2017**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.128/2010, under Sections 498-A/406 IPC, registered at Police Station-Narela, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioners submits that the petitioner No.1 Mr.Ashok Kumar got married with respondent No.2, Ms.Aarti on 04.06.2006 according to Hindu rites and customs and out of the said wedlock one girl child was born on 15.05.2007 who is in the custody of her mother i.e. respondent No.2, Ms.Aarti. He further submits that due to temperamental differences and misunderstanding arisen between them, the marital relations between them could not proceed further but consequently with the help of near relatives and close friends, they have amicably settled all their disputes and differences vide compromise deed dated 24.06.2010 and their marriage has also been dissolved by mutual consent by a decree of

divorce dated 15.04.2011 granted by the Addl. Civil Judge (Sr. Division), Phagwara. He further submits that all disputes have been amicably settled between the parties and nothing remains to be adjudicated upon further and submits that the FIR in question is coming as hurdle in the way of the present petitioners. He further submits that the respondent No.2 has re-married with Mr.Sanjeev Kumar of Jalandar City, Punjab. 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.

I have perused previous order dated 02.05.2017. The respondent No.2/complainant appeared in the Court on 02.05.2017 and submitted that the matter has been amicably settled with the petitioners voluntarily and without any force, pressure or coercion and the same has been acted upon between the parties and as per the terms she has received all due amounts from the petitioners and nothing further remains to be paid in her favour. She further submitted that her marriage with petitioner No.1 Mr.Ashok Kumar has already been dissolved vide judgment and decree dated 15.04.2011 passed by Addl. Civil Judge (Sr. Division), Phagwara and she has re-married with Mr.Sanjeev Kumar of Jalandar City, Punjab and that she has no objection, if the aforesaid FIR 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, Mr.Ashok Kumar and respondent No.2, Ms.Aarti has already been dissolved by mutual consent by a decree of divorce dated 15.04.2011 and also the custody of minor daughter is in the

custody of natural guardian i.e. respondent No.2 and further the respondent No.2 has re-married, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.128/2010, under Sections 498-A/406 IPC, registered at Police Station-Narela, Delhi and all proceedings arising of the same are hereby quashed.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MAY 16, 2017/sr