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

+ CRL.M.C. 1225/2017

DEEPAK & ORS. Petitioner

Through: Mr.Vikram Panwar, Adv.

versus

STATE & ANR. Respondent

Through: Mr.Raghuvinder Varma, APP for
State with SI Prem Raj, PS-Vijay
Vihar

Mr.Ajay Verma, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **24.03.2017**

CRL.M.A.5038/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 1225/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.226/2012, under Sections 498-A/406/34 IPC, registered at Police Station-Vijay Vihar, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1 Mr.Deepak got married with respondent No.2, Ms.Kushma on 09.10.2010 according to Hindu rites and customs and out of the said wedlock one girl child was born on 18.07.2011 who is in the custody of her mother i.e. respondent No.2, Ms.Kushma. 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 in Counselling Cell, Family Courts, Dwarka Court, New Delhi on 10.03.2016 and the same has been acted upon between the parties. He further submits that their marriage has also been dissolved by mutual consent by a decree of divorce dated 04.11.2016 granted by the Judge, Family Courts, Dwarka, New Delhi. 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 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, Ms.Kushma is present in Court today and has been identified by the Investigating Officer, State with SI Prem Raj, PS-Vijay Vihar, Delhi. The complainant also admits that the matter has been amicably settled with the petitioners and as per the terms of settlement, she has already received all dues from the petitioners. She further submits that her daughter shall remain in her custody. She further submits that she has no claim or grievance left against the petitioners. 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 No. 1, Mr.Deepak and respondent No.2, Ms.Kushma has already been dissolved by mutual consent by a decree of divorce dated 04.11.2016 and also the custody of minor girl child is in the custody of natural guardian i.e. respondent No.2, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.226/2012, under Sections 498-A/406/34 IPC, registered at Police Station-Vijay Vihar, Delhi and all proceedings arising of the same are hereby quashed.

The present petition is allowed and disposed of accordingly. Parties to remain bound by the terms of settlement dated 10.03.2016.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MARCH 24, 2017/radhika