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

+ **CRL.M.C. 1350/2017**

YOGESH KUMAR Petitioner

Through: **Mr.M.K.Srivastava, Adv.**

versus

STATE & ANR. Respondents

Through: **Mr.Izhar Ahmad, APP for State**
SI Dinesh Kumar, PS-Nihal Vihar
Mr.Rajendra Singh, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **15.09.2017**

CRL.M.A.5463/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 1350/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.839/2015, under Sections 498-A/406 IPC, registered at Police Station-Nihal Vihar and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1, Mr.Yogesh Kumar got married with respondent No.2, Ms.Sanju @ Sanju Kumari on 15.05.2014 according to Hindu rites and customs and out of the said wedlock one daughter namely Harshita was born on 02.02.2015 who is

in the custody of her mother i.e. respondent No.2, Ms.Sanju @ Sanju Kumari. 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 before the Mediation Centre, Tis Hazari Courts, Delhi on 21.03.2016 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 24.11.2016 granted by the Principal Judge, Family Court, West District, Tis Hazari Courts, 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 petitioner and further submits that to show good gesture the petitioner has paid Rs. 20,000/- (Rupees Twenty Thousand Only) additionally to the respondent no.2. 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, Ms.Sanju @ Sanju Kumari is present in Court today and has been identified by the Investigating Officer, SI Dinesh Kumar, PS-Nihal Vihar. The complainant also admits that the matter has been amicably settled with the petitioner and as per the terms of settlement, she has already received all dues from the petitioner and in order to show good gesture the petitioner has paid Rs. 20,000/- (Rupees Twenty Thousand Only) to her through DD No. 239756 dated 08.09.2017. She further submits that her daughter namely Harshita shall remain in her

custody. She further submits that she has no claim or grievance 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 No. 1, Mr.Yogesh Kumar and respondent No.2, Ms.Sanju @ Sanju Kumari has already been dissolved by mutual consent by a decree of divorce dated 24.11.2016 and also the custody of minor daughter namely Harshita 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.839/2015, under Sections 498-A/406 IPC, registered at Police Station-Nihal Vihar and all proceedings arising of the same are hereby quashed. Parties to remain bound by the terms of settlement dated 21rd March, 2016.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

SEPTEMBER 15, 2017

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