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

+ CRL.M.C. 131/2017

RAJ KUMAR & ORS

..... Petitioners

Through: Mr.Yoginder Singh, Adv. with
Mr.Sumit Kumar, Adv.

versus

THE STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr.Mukesh Kumar, APP for State
Inspector Uma Dutt, PS-Mangolpuri

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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27.04.2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.91/2002, under Sections 498-A/406/34 IPC, registered at Police Station-Mangolpuri, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1, Mr.Raj Kumar got married with respondent No.2, Smt.Sunita on 29.11.2000 according to Hindu rites and customs and out of the said wedlock one son namely Bhusan Kumar was born on 22.10.2001 who is in the custody of his mother i.e. respondent No.2, Smt.Sunita. 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 Mediation Centre, Rohini District Courts, Delhi on 09.04.2010 and their marriage has also been dissolved by

mutual consent by a decree of divorce dated 02.08.2011 granted by the Judge-02, Family Court, Rohini 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 petitioners. He submits that the respondent No.2 has remarried one Mr.Bhike. 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, Smt.Sunita is present in Court today and has been identified by the Investigating Officer, Inspector Uma Dutt, PS-Mangolpuri, 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 Rs.30,000/- by cash and Rs.10,000/- by way of cheque No.477902 dated 27.04.2017 drawn on SBI and nothing remains due against the petitioners. She further submits that her son namely Bhusan Kumar shall remain in her custody. She submits that she has remarried one Mr.Bhike. 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.Raj Kumar and respondent No.2, Smt.Sunita has already been dissolved by mutual consent by a decree of divorce dated 02.08.2011 and also the custody of minor son namely Bhusan Kumar is in the custody of natural guardian i.e. respondent No.2 and further the respondent No.2 has remarried one Mr.Bhike, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.91/2002, under Sections 498-A/406/34 IPC, registered at Police Station- Mangolpuri, 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

APRIL 27, 2017/radhika