

\$~16

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

+ CRL.M.C. 4478/2016 & CRL.M.A.18738/2016

HAIDER ALI AND ANR. Petitioners

Through: Mr.Nirmal Singh, Adv.

versus

THE STATE AND ANR. Respondents

Through: Mr.Kewal Singh Ahuja, APP for State
Mr.Tarun Kumar, Adv. for R-2
S.I Amar, P.S. Welcome

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **15.02.2017**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.27/2012, under Sections 498A/406/34 IPC as well as under Section 4 of Dowry Prohibition Act, registered at Police Station Welcome and all the proceedings emanating therefrom.

Counsel for the petitioners has submitted that petitioner No.1 got married with respondent No.2 on 19.09.2010 and out of the said wedlock one daughter namely Rofi was born. He further submits that due to temperamental differences and misunderstanding arisen between them, the marital relations between them could not proceed further, which resulted into registration of the said FIR. He further submits that after the registration of FIR, the near relatives and close friends intervened and they have amicably settled all their disputes and differences, which has been reduced

into writing vide Settlement Deed dated 29.02.2016. He also submits that their marriage has also been dissolved by a decree of divorce dated 24.11.2014 granted by the Principal Judge, Family Courts, Karkardooma Courts, New Delhi. He further submits that as per the terms of settlement, the last amount due to be paid to the respondent No.2 is Rs.4,25,000/- and the same has already been paid by way of demand draft bearing No.714660, amounting to Rs.4,25,000/-, dated 09.05.2016 (revalidated on 11.01.2017), drawn on Corporation Bank and that nothing remains to be adjudicated upon further. He also submits that the FIR in question is coming as hurdle in the way of the present petitioners. He further submits that the petitioner No.1 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 Amar. The complainant also admits that the matter has been amicably settled with the petitioners. She further submits that as per the terms of settlement she has received last instalment of Rs.4,25,000/- by way of aforementioned demand draft. 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 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 and respondent No.2 has already been dissolved by a decree of divorce, it is in their interest to lead their

independent and peaceful life in future, consequently, the FIR No. 27/2012, under Sections 498A/406/34 IPC as well as under Section 4 of Dowry Prohibition Act, registered at Police Station Welcome and all proceedings arising of the same are hereby quashed.

Parties to remain bound by the terms of settlement dated 29.02.2016.

The present petition is disposed of accordingly.

All the pending application(s), if any, also stands disposed of.

Copy of this order be given *dasti*.

I.S.MEHTA, J

FEBRUARY 15, 2017/km