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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1678/2017**
SUSHIL KUMAR GUPTA & ORS.

..... Petitioners

Through: Ms.Aruna Mehta, Advocate with the
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr.Kamal Kr. Ghei, APP for State
with W/SI Nirmala, P.S. Paschim
Vihar, Delhi.
Mr.Sagar Hajelan, Advocate for R2
with R2/complainant in person.

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

% **ORDER**
26.04.2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.119/2007, under Sections 498-A/406/34 IPC, registered at Police Station Paschim Vihar, Delhi, and all the proceedings emanating therefrom.

Learned counsel for the petitioners has submitted that petitioner No.1 Dr. Sushil Kumar Gupta got married with the respondent No.2 Dr. Rupali Gupta on 21.06.2006 according to Hindu rites and customs and one child was born from the wedlock of the parties. Counsel further submits that after the marriage misunderstanding had arisen between the parties which resulted into the registration of the aforesaid FIR against the petitioners. He further

submits that after the registration of the FIR, the near relatives and friends intervened and the matter has been amicably settled between the parties and the same has been reduced into writing vide settlement deed dated 02.07.2016 before the Mediation Centre, Tis Hazari Courts, Delhi and the said settlement has been acted upon between the parties and all due amounts as per the said settlement have been paid by the petitioners to the respondent No.2 and nothing remains to be due and payable to her and the last instalment amounting to Rs.10,00,000/- has been paid to her vide demand draft bearing No.876352 dated 25.04.2017 drawn on Yes Bank in favour of the respondent No.2. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 30.01.2017 passed by the Principal Judge, Family Court (West), Tis Hazari, Delhi and nothing remains to be adjudicated further between the parties, however, the FIR in question is coming as hurdle in the peaceful life of the present petitioners, and prays that the FIR and all proceedings arising therefrom may be quashed.

The respondent No.2/complainant, Dr.Rupali Gupta is present in the Court today and has been identified by the Investigating Officer, W/SI Nirmala, P.S. Paschim Vihar, Delhi. The respondent No.2/complainant present in person admits that the matter has been amicably settled with the petitioners voluntarily and without any force, pressure or coercion and she has received all due amounts from the petitioners and nothing remains to be due and payable to her and the last instalment amounting to Rs.10,00,000/- has been paid to her vide demand draft bearing No.876352 dated 25.04.2017 drawn on Yes Bank. She further admits that her marriage with the petitioner No.1 has already been dissolved vide judgment and decree dated 30.01.2017

passed by the Principal Judge, Family Court (West), Tis Hazari, Delhi and nothing remains to be adjudicated further between the parties and further submits that 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 which has been reduced into writing before the Mediation Centre, Tis Hazari Courts, Delhi on 02.07.2016 and nothing remains to be adjudicated further between the parties and also that the marriage between the petitioner No.1 and respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 30.01.2017, to have peace in the life of both families, I deem it appropriate to quash the aforesaid FIR and all proceedings arising from the same. Consequently, the FIR No.119/2007, under Sections 498A/406/34 IPC, registered at Police Station Paschim Vihar, Delhi and all the proceedings emanating therefrom are hereby quashed. Parties shall remain bound by the terms of the settlement.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

APRIL 26, 2017

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