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

+ CRL.M.C. 1632/2017

NITIN SHARMA & ORS

..... Petitioners

Through: Mr.R.K.Naveen, Adv.

versus

STATE & ANR

..... Respondents

Through: Mr.Raghuvinder Varma, APP for
State with W/SI Siksha, PS-Chhawla
Mr.Karan S, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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16.05.2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.06/2013, under Sections 498-A/406/34 IPC, registered at Police Station-Chhawla, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1, Mr.Nitin Sharma got married with respondent No.2, Ms.Sundri @ Sonia on 17.01.2007 according to Hindu rites and customs and out of the said wedlock one son namely Vansh was born on 22.12.2007 who is in the custody of his father i.e. petitioner No.1, Mr.Nitin Sharma. 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 vide settlement deed dated 10.08.2016 and their marriage has also been dissolved by mutual consent by

a decree of divorce dated 17.03.2017 granted by the Principal Judge, (South-West), 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.Sundri @ Sonia is present in Court today and has been identified by the Investigating Officer, W/SI Siksha, PS-Chhawla, Delhi. The complainant also admits that the matter has been amicably settled with the petitioners and as per the terms of settlement, she has received last instalment of Rs.1,00,000/- (Rupees One Lakh Only) from the petitioners and nothing remains due against the petitioners. She further submits that her child shall remain in the custody of petitioner No.1, Mr.Nitin Sharma. 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.Nitin Sharma and respondent No.2, Ms.Sundri @ Sonia has already been dissolved by mutual consent by

a decree of divorce dated 17.03.2017 and also the custody of minor child is in the custody of natural guardian i.e. petitioner No.1, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.06/2013, under Sections 498-A/406/34 IPC, registered at Police Station-Chhawla, 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

MAY 16, 2017/sr