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

+ CRL.M.C. 1729/2017

RADHAKRISHAN @ P K RADHAKRISHAN Petitioner
Through: Mohd.Talat, Adv.

versus

THE STATE ANR Respondents
Through: Mr.Kamal Kr. Ghei, APP for State
SI Neeraj Kumar, PS-New Ashok
Nagar
R-2 in person.

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

ORDER
% **01.05.2017**

CRL.M.A.7046/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 1729/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.307/2016, under Sections 498-A/406 IPC, registered at Police Station-New Ashok Nagar, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner, Mr.Radhakrishnan @ P.K.Radhakrishnan got married with respondent No.2, Ms.Smitha @ Smitha Menon on 07.06.2001 according to Hindu rites and customs. 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 Memorandum of Understanding dated 09.08.2016 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 03.03.2017 granted by the Principal Judge, Family Courts, Distt. East, Vishwas Nagar, 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. 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.Smitha @ Smitha Menon is present in Court today and has been identified by the Investigating Officer, SI Neeraj Kumar, PS-New Ashok Nagar, Delhi. 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 Rs.1,00,000/- (Rupees One Lakh Only) from the petitioner and nothing remains due against the petitioner. 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, Mr.Radhakrishnan @ P.K.Radhakrishnan and respondent No.2, Ms.Smitha @ Smitha Menon has already been dissolved by mutual consent by a decree of divorce dated 03.03.2017, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.307/2016, under Sections 498-A/406 IPC, registered at Police Station-New Ashok Nagar, 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 01, 2017/radhika