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

+ CRL.M.C. 2284/2017

MITHLESH & ORS

..... Petitioners

Through: Mr.Prem Bhushan Dewan, Adv. with
Ms.Gurjeet Kaur, Adv.

versus

STATE NCT OF DELHI & ORS

..... Respondents

Through: Mr.Raghuvinder Varma, APP for
State with SI Neeraj, PS-South Rohini
Ms.Kavita Agrawal, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **29.05.2017**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.1006/2006, under Sections 498-A/406/34 IPC, registered at Police Station-Rohini, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.2, Mr.Jitendra Kumar Mishra got married with respondent No.2, Ms.Kalpana on 18.11.2005 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 11.11.2014 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 14.05.2015 granted by the Judge, Family Court, North-West, Rohini, Delhi. He further submits that an

amount of rupees one lakh deposited by the petitioners by way of FDR in the name of the Mahila Court, Rohini Delhi while granting bail to the petitioners be released to the petitioners. 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.Kalpana is present in Court today and has been identified by the Investigating Officer, SI Neeraj, PS-South Rohini, 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.5,00,000/- (Rupees Five Lakhs Only) from the petitioners and nothing remains due against the petitioners. She further submits that she has no objection if the amount of rupees one lakh deposited by the petitioner by way of FDR in the name of the Mahila Court, Rohini Delhi while granting bail is released to the petitioner. She further submits that her Streedhan articles are lying in Police Station-Rohini and same be released to her. 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. 2, Mr.Jitendra Kumar Mishra and respondent No.2, Ms.Kalpana has already been dissolved by mutual consent by a decree of divorce dated 14.05.2015, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.1006/2006, under Sections 498-A/406/34 IPC, registered at Police Station-Rohini, Delhi and all proceedings arising of the same are hereby quashed. Parties to remain bound by the terms of settlement dated 11.11.2014.

The streedhan articles lying in Police Station-Rohini be released to the complainant/respondent No.2.

Trial Court to release the aforesaid FDR with accrued interest in favour of petitioner No.2, Mr.Jitendra Kumar Mishra; on moving appropriate application.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MAY 29, 2017/sr