

\$~60

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

+ CRL.M.C. 2237/2017

BRIJESH & ORS

..... Petitioners

Through: Mr.Sachin Kaushik, Adv.

versus

STATE & ANR

..... Respondents

Through: Mr.Raghuvinder Varma, APP for
State with SI Desh Raj Singh, PS-
Gandhi Nagar
Mr.Ankur Rohela, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

%

26.05.2017

This is a petition under Section 482 Cr.P.C. moved on behalf of the petitioners for quashing of FIR No.48/2011, under Sections 498-A/406/34 IPC, registered at Police Station-Gandhi Nagar, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1 Mr.Brijesh got married with respondent No.2, Mrs.Yogita @ Kamlesh on 22.02.2008 according to Hindu rites and customs and out of the said wedlock one girl child was born who is in the custody of her mother i.e. respondent No.2, Mrs.Yogita @ Kamlesh. 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 in Mediation Centre, Karkardooma Courts, Delhi vide compromise deed dated 16.04.2013 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 01.12.2014 granted by the Principal Judge, District East, Family Court, 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 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, Mrs.Yogita @ Kamlesh is present in Court today and has been identified by the Investigating Officer, SI Desh Raj Singh, PS-Gandhi Nagar, 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 all dues from the petitioners. She further submits that her daughter shall remain in her custody. 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.Brijesh and respondent No.2, Mrs.Yogita @ Kamlesh has already been dissolved by mutual consent by a

decree of divorce dated 01.12.2014 and also the custody of minor child is in the custody of natural guardian i.e. respondent No.2, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.48/2011, under Sections 498-A/406/34 IPC, registered at Police Station-Gandhi Nagar, Delhi and all proceedings arising of the same are hereby quashed. Parties to remain bound by the terms of settlement dated 16.04.2013.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MAY 26, 2017/sr