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

+ **CRL.M.C. 2194/2017**

PANKAJ SHARMA & ORS

..... Petitioners

Through: Mr.Yogesh Swaroop, Adv. with
Mr.Kapil K Kaushik, Adv.

versus

THE STATE & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State
SI Daya Shankar
Mr.Ravi Dutt, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **26.05.2017**

CRL.M.A.9015/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 2194/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.173/2009, under Sections 498-A/406/34 IPC, registered at Police Station-Palam Village, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1 Mr.Pankaj Sharma got married with respondent No.2, Ms.Manjulata Sharma on 31.10.1998 according to Hindu rites and customs and out of the said wedlock two sons namely Master Kanishk Sharma and Master Rudra Sharma were born who are in the custody of their mother i.e. respondent

No.2, Ms.Manjulata 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 in the Mediation Centre, Dwarka Courts, New Delhi vide settlement deed dated 08.07.2016 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 08.03.2017 granted by the Judge, 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.Manjulata Sharma is present in Court today and has been identified by the Investigating Officer, SI Daya Shankar. 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 children 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, Pankaj Sharma and respondent No.2, Ms.Manjulata Sharma has already been dissolved by mutual consent by a decree of divorce dated 08.03.2017 and also the custody of children is with 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.173/2009, under Sections 498-A/406/34 IPC, registered at Police Station-Palam Village, 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 26, 2017/sr