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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2471/2017
GAURAV DHIMAN & ORS

..... Petitioners

Through: Mr.Sunil Khanna and Mr.Nitin
Khanna, Advocates with the
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State with
SI Kuldeep Kumar, P.S. Mukherjee
Nagar, Delhi.
Mr.Yatender Khatri, Adv. for R2 with
R2/complainant in person.

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

ORDER
08.08.2017

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This is a petition under Section 482 Cr.P.C. for quashing of FIR No.1325/2014, under Sections 498-A/406/34 IPC, registered at Police Station Mukherjee Nagar, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioners has submitted that the petitioner No.1 Gaurav Dhiman got married with respondent No.2, Smt. Megha Batra on 30.11.2008 according to Hindu rites and customs and out of the said wedlock, one male child namely Master Lohit was born on 03.11.2009. Counsel further submits that right now the legal custody of the said minor child is with the respondent No.2 being his mother and natural guardian.

Counsel further submits that in the year 2009, after the birth of the child, a misunderstanding had arisen between the parties which resulted into the registration of the aforesaid FIR against the petitioners. Counsel further submits that after the registration of the FIR, the near relatives and friends intervened and the matter in dispute has been amicably settled between the parties and joint statement of the parties to this effect has been recorded and the terms of the said settlement have been acted upon between the parties and all due amounts as per the settlement have been paid by the petitioners to the respondent No.2 and the last instalment amounting to Rs.10 lacs has also been paid to her vide demand drafts bearing Nos. 698602 & 698603 dated 31.07.2017 for Rs.7 lacs and 3 lacs respectively and nothing further remains to be paid to her. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 21.04.2017 passed by the Judge, Family Court (North), Rohini, Delhi and nothing further remains to be adjudicated between the parties, however, the present FIR is coming as hurdle in the peaceful life of the petitioners and submits that the FIR and all subsequent proceedings arising therefrom may be quashed.

The respondent No.2/complainant, Smt. Megha Batra is present in Court today and has been identified by SI Kuldeep Kumar, P.S. Mukherjee Nagar, Delhi and also represented by her counsel. The respondent No.2/complainant admits the factum of amicable settlement with the petitioners and recording of joint statement before the Court. She further admits that in terms of said settlement she has received all due amounts from the petitioners and nothing further remains to be paid to her. She further admits that her marriage with the petitioner No.1 has already been dissolved

vide judgment and decree dated 21.04.2017 passed by the Judge, Family Court (North), Rohini, Delhi and nothing further remains to be adjudicated between them and she has no objection if the FIR in question is quashed.

Looking into the above facts and circumstances, since the matter in dispute has been amicably settled between the parties and the same has been acted upon between the parties and all due amounts as per the settlement have been paid by the petitioners to the respondent No.2 and nothing further remains to be paid to her and the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 21.04.2017 passed by the Judge, Family Court (North), Rohini, Delhi and nothing further remains to be adjudicated between the parties, to have peace in the life of both the parties and to meet the ends of justice, I deem it appropriate to quash the FIR and all proceedings arising therefrom.

Consequently, FIR No.1325/2014, under Sections 498-A/406/34 IPC, registered at Police Station Mukherjee Nagar, Delhi and all the proceedings emanating therefrom are hereby quashed. Parties shall remain bound by the settlement and their statement recorded before the Court.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti* to the parties, as prayed.

I.S.MEHTA, J

AUGUST 08, 2017

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