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

+ **CRL.M.C. 2418/2017**

JINENDER KUMAR JAIN & ORS

..... Petitioners

Through: Mr.Raj Kr. Jain, Adv.

versus

THE STATE GNCT OF DELHI & ANR

..... Respondents

Through: Mr.Mukesh Kumar, APP for State
S.I. Ashwani Kumar, P.S. Jyoti Nagar
Mr.Ajeet K.S. Bhadauria, Advocate
for R-2

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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31.05.2017

CRL.M.A.9757/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 2418/2017

This is a petition under Section 482 Cr.P.C. moved by the petitioners for quashing of FIR No.486/2013, under Sections 498-A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at P.S. Jyoti Nagar and all the subsequent proceedings emanating therefrom.

Learned counsel for the petitioners submits that the marriage between the petitioner No.1 and the respondent No.2/complainant was solemnized on 02.01.2008 as per Hindu rites and ceremonies and out of the said wedlock one female child namely Manasvi Jain was born on 28.09.2009, who is right

now in custody of respondent No.2. Counsel further submits that subsequently misunderstanding between the parties has arisen, which resulted into registration of the aforesaid FIR. He further submits that after the registration of the FIR, the near relatives and close friends intervened and the matter has been amicably settled between the parties, which has been reduced into writing vide Settlement Agreement dated 05.03.2016. He further submits that the marriage between the petitioner No.1 and respondent No.2 has already been dissolved vide judgment and decree dated 06.02.2017 granted by the Principal Judge, Family Courts, Shahdara, Karkardooma Courts, Delhi. He further submits that all the due amount as per the settlement agreement has been paid to the respondent No.2 and that nothing remains to be adjudicated upon further. He also submits that the FIR in question is coming as hurdle in the way of the present petitioners. He further submits that the petitioner No.1 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 is present in Court today and has been identified by the Investigating Officer, S.I. Ashwani Kumar. The complainant submits that the matter has been amicably settled with the petitioners. She further submits that she has no claim or grievance left against the petitioners. She further submits that she is in custody of the minor child namely Manasvi Jain. 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 that 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 and respondent No.2 has already been dissolved by mutual consent by a decree of divorce, it is in their interest to lead their independent and peaceful life in future.

Consequently, the FIR No.486/2013, under Sections 498-A/406/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at P.S. Jyoti Nagar and all proceedings arising out of the same are hereby quashed.

Parties to remain bound by terms of Settlement Agreement dated 05.03.2016.

The present petition is allowed and disposed of accordingly.

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

I.S.MEHTA, J

MAY 31, 2017/km