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

+ CRL.M.C. 3944/2016

PARVEEN MALIK & ORS

..... Petitioners

Through: Mr.Satnarain Sharma, Adv. with
Mr.Rajeev Bansal, Adv.

versus

STATE & ORS

..... Respondents

Through: Ms.Kusum Dhalla, APP for State
SI Rajesh Kumar, PS-Begumpur

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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28.03.2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.155/2011, under Sections 498-A/406/34 IPC, registered at Police Station-Begumpur, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1, Mr.Parveen Malik got married with respondent No.2, Ms.Suman Malik on 25.06.2004 according to Hindu rites and customs and out of the said wedlock one son namely Harshit Malik was born on 22.03.2005 who is in the custody of his father i.e. petitioner No.1, Mr.Parveen Malik. 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, Rohini District Courts, Delhi vide settlement agreement dated 03.08.2016

and their marriage has also been dissolved by mutual consent by a decree of divorce dated 23.02.2017 granted by the District & Sessions Judge, District Judge, Family Court, Sonipat. 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.Suman Malik is present in Court today and has been identified by the Investigating Officer, SI Rajesh Kumar, PS-Begumpur, 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 son namely Harshit Malik shall remain in the custody of petitioner No.1. 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.Parveen Malik and respondent No.2, Ms.Suman Malik has already been dissolved by mutual consent by a decree of divorce dated 23.02.2017 and also the custody of minor son

namely Harshit Malik is in the custody of petitioner No.1, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.155/2011, under Sections 498-A/406/34 IPC, registered at Police Station-Begumpur, Delhi and all proceedings arising of the same are hereby quashed. Parties to remain bound by the terms of settlement dated 03.08.2016.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MARCH 28, 2017/radhika