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

+ CRL.M.C. 4232/2016

NIDHI GUPTA @ RAHUL GUPTA & ANR

..... Petitioners

Through: Mr.Naman Raj Thakur, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for State
with SI Indrapal Singh, CAW Cell
(East), Delhi.

Mr.Saurabh Jhamb, Advocate for R2
with R2/complainant in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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09.03.2017

This is a petition under Section 482 Cr.P.C. moved on behalf of the petitioners for quashing of FIR No.604/2013, under Sections 498-A/406/34 IPC, registered at P.S. Jagatpuri, Delhi and all subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that the petitioner No.1 Nidhi Gupta @ Rahul Gupta was the husband and the petitioner No.2 Smt. Beena Gupta was mother-in-law of the respondent No.2. Counsel for the petitioner further submits that the marriage between the petitioner No.1 Nidhi Gupta @ Rahul Gupta and the respondent No.2 Pooja Gupta was solemnized on 26.06.2012 according to Hindu rites and ceremonies. Counsel further submits that after the marriage misunderstanding between the parties had arisen, which resulted into the registration of 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 and the same has been reduced into writing before the Mediation Centre, Karkardooma Courts, Delhi vide settlement deed/MoU dated 19.08.2014 and the marriage of the petitioner No.1 and the respondent No.2 has already been dissolved by mutual consent by judgment and decree of divorce dated 12.02.2016 passed by the Principal Judge, Family Court, Shahdara, Karkardooma Courts, Delhi. Counsel further submits that thereafter the petitioner No.1 Nidhi Gupta @ Rahul Gupta died on 23.11.2016. Counsel further submits that the said settlement executed between the parties has been acted upon between the parties and the last instalment amounting to Rs.50,000/- has already been paid by the petitioners to the respondent No.2/complainant vide demand draft bearing No.008596 dated 08.3.2017 drawn on IDBI Bank in favour of the respondent No.2 and nothing further remains to be adjudicated between the parties, however, the present FIR is coming as hurdle in the peaceful life of the present petitioner and prays that 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, SI Indrapal Singh, P.S. Jagatpuri, Delhi and also represented by her counsel Mr.Saurabh Jhamb, Advocate. The complainant admits that the matter has been amicably settled with the petitioner and the same has been reduced into writing on 19.08.2014 before the Mediation Centre, Karkardooma Courts, Delhi and the misunderstanding has been sorted out and the said settlement arrived at with the petitioners is voluntary and without any force, pressure or coercion and the same has been acted upon between the parties. She further submits

that she has received all due amounts from the petitioners and nothing remains due to be paid to her by the petitioners. She further submits that her marriage with the petitioner No.1 has already been dissolved by mutual consent by a decree of divorce dated 12.02.2016 passed by the Principal Judge, Family Court, Shahdara, Karkardooma Courts, Delhi and she has no objection, if the FIR in question is quashed.

Looking into the above facts and circumstances of the case since the matter has been amicably settled between the parties and all the misunderstanding has been sorted out and the said settlement has been reduced down into writing on 19.08.2014 and the same has been acted upon and nothing further remains to be adjudicated between them and that the marriage of the petitioner No.1 and the respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 12.02.2016, to have peace in the life of the parties and to meet the ends of justice, I deem it appropriate to quash the aforesaid FIR and all subsequent proceedings arising out of the same.

Consequently, FIR No.604/2013, under Sections 498-A/406/34 IPC, registered at P.S. Jagatpuri, Delhi and all subsequent proceedings arising therefrom are hereby quashed. Parties shall remain bound by the terms of the said settlement and shall not violate the same in any manner whatsoever.

The present petition is allowed and stands disposed of accordingly.

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

I.S.MEHTA, J

MARCH 09, 2017

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