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

+ CRL.M.C. 4337/2016

GAURAV SOFAT & ANR.

..... Petitioners

Through Mr.Saurabh Kansal, Adv.

versus

STATE & ANR

..... Respondents

Through Ms.Kusum Dhalla, APP for the State
Ms.Gayatri Nandwani, Adv. for R-2
S.I. Sachin, P.S. Vikas Puri

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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24.05.2017

This is a petition under Section 482 Cr.P.C. moved by the petitioners for quashing of FIR No.95/2007, under Sections 498-A/406/34 IPC, registered at P.S. Vikas Puri 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 02.12.2003 as per Hindu rites and ceremonies and out of the said wedlock two sons namely Akshat and Keshav were born. He further submits that the said children are right now in custody of respondent No.2. Counsel further submits that subsequently misunderstanding between the parties has 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 that their marriage has already been dissolved vide judgment and decree dated 24.10.2016 granted by the Principal Judge, South-West District, Family Court, Dwarka, New Delhi. He further submits that as per the settlement, the last instalment amounting to Rs.2,00,000/- has been paid by way of demand draft bearing No.523387, dated 24.04.2017, drawn on Syndicate Bank 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. Sachin Kumar. The complainant submits that the matter has been amicably settled with the petitioners and as per the terms of settlement, she has received the last instalment amounting to Rs.2,00,000/- by way of aforementioned demand draft and that she has no claim or grievance left against the petitioners. She further submits that the children namely Akshat and Keshav shall remain in her custody. 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 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.95/2007, under Sections 498-A/406/34 IPC, registered at P.S. Vikas Puri and all proceedings arising out of the same are hereby quashed.

The present petition is allowed and disposed of accordingly.

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

I.S.MEHTA, J

MAY 24, 2017/km