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

+ CRL.M.C. 2706/2017

DEEPAK KUMAR & ORS

..... Petitioners

Through: Mr.Manish Kumar, Adv. with
Mr.Anand Ranjan, Mr.R.K.Mishra
and Mr.Harish Yadav, Advs.

versus

STATE & ANR

..... Respondents

Through: Mr.Panna Lal Sharma, APP for State
SI Arun Kumar, PS-Tilak Nagar
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **18.07.2017**

CRL.M.A.11198/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 2706/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.297/2016, under Sections 498-A/406/34 IPC, registered at Police Station-Tilak Nagar, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1 Mr.Deepak Kumar got married with respondent No.2, Ms.Sarika Mohan on 07.12.2012 according to Hindu rites and customs and out of the said wedlock one son namely Aavan Kumar was born on 09.11.2013 who is in

the custody of his mother i.e. respondent No.2, Ms.Sarika Mohan. 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, Tis Hazari Courts, Delhi vide settlement deed dated 06.10.2016 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 18.05.2017 granted by the Addl. Principal Judge, Family Court (West), Delhi. 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.Sarika Mohan is present in Court today and has been identified by the Investigating Officer, SI Arun Kumar, PS-Tilak Nagar. 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 Rs.2,00,000/- (Rupees Two Lakhs Only) from the petitioners and nothing remains due against the petitioners. She further submits that her son namely Aavan Kumar shall remain in her custody. 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. Deepak Kumar and respondent No.2, Ms. Sarika Mohan has already been dissolved by mutual consent by a decree of divorce dated 18.05.2017 and also the custody of minor son namely Aavan Kumar is in the custody of natural guardian i.e. respondent No.2, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.297/2016, under Sections 498-A/406/34 IPC, registered at Police Station-Tilak Nagar, Delhi and all proceedings arising of the same are hereby quashed. Parties to remain bound by the terms of settlement dated 06.10.2016.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

JULY 18, 2017/sr