

\$~44

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

+ **CRL.M.C. 2674/2017**

**DALIP KUMAR AGGARWAL & ORS** ..... Petitioners

Through: Mr.Raj Kumar, Adv.

versus

**STATE (GOVT OF NCT OF DELHI) & ANR** ..... Respondents

Through: Mr.Kamal Kr. Ghei, APP for State  
Mr.Parmanand, Adv. for R-2  
S.I. Shailendra Kr. Singh, P.S. Gokal  
Puri

**CORAM:**

**HON'BLE MR. JUSTICE I.S.MEHTA**

**ORDER**

%

**17.07.2017**

**CRL.M.A.11096/2017**

Exemption granted, subject to all just exceptions.

Application stands disposed of.

**CRL.M.C. 2674/2017**

This is a petition under Section 482 Cr.P.C. moved by the petitioners for quashing of FIR No.393/2012, under Sections 498-A/406/506/34 IPC and Section 4 of Dowry Prohibition Act, registered at P.S. Gokal Puri, Delhi 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 22.11.2004 as per Hindu rites and ceremonies and out of the said wedlock one daughter namely Mahima was born on 18.03.2008, who is 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 before the Mediation Centre, Karkardooma Courts which has been reduced into writing vide Compromise Deed dated 02.09.2013. He further submits that their marriage has already been dissolved vide judgment and decree dated 22.01.2016 granted by the Principal Judge, Family Court, North East District, Delhi. He further submits that nothing remains to be adjudicated upon further between the parties. 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. Shailender Kr. Singh. The complainant submits that the matter has been amicably settled with the petitioners. She further submits that the custody of minor child shall remain with her. 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 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.393/2012, under Sections 498-A/406/506/34 IPC and Section 4 of Dowry Prohibition Act, registered at P.S. Gokal Puri, Delhi 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**

**JULY 17, 2017/km**