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

+ CRL.M.C. 3023/2017

MOHIT SHARMA & ORS

..... Petitioners

Through: Mr.Javed Ahmed, Adv.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State

Mr.Paritosh Anil, Adv. for and with
R-2

S.I. Shri Gopal, P.S. Shakar Pur

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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04.08.2017

Crl. M.A. 12522/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

Crl. M.C. 3023/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.504/2003, under Sections 498-A/406/34 IPC, registered at Police Station-Shakar Pur and all the proceedings emanating therefrom.

Learned counsel for the petitioners submits that the petitioner No.1 got married with respondent No.2 on 18.02.2001 according to Hindu rites & customs and out of the said wedlock one son namely Aman was born, who is right now 15 years old and is in the custody of his father i.e. petitioner No.1. 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 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 08.02.2007 granted by the Ld. ADJ (East District), Karkardooma Courts, Delhi. He further submits that all disputes have been amicably settled between the parties and nothing remains to be adjudicated upon further and 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, SI Shri Gopal. 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 Aman is right now living with his father i.e. petitioner No.1 and that the legal custody of minor child shall remain with him only. 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 and respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 08.02.2007, it is in their interest to lead their independent and peaceful life in future. Consequently, the FIR No.504/2003, under Sections 498-A/406/34 IPC, registered at Police Station-Shakar Pur and all proceedings arising of the same are hereby quashed.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

AUGUST 04, 2017'dc'