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

+ CRL.M.C. 2834/2017

NARESH GARG

..... Petitioner

Through: Mr.Vikram Baweja, Adv.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr.Izhar Ahmad, APP for State
Mr.Arun Dhiman, Adv. for R-2
S.I. Saroj Singh

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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25.07.2017

CRL.M.A.11742/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 2834/2017

This is a petition under Section 482 Cr.P.C. moved by the petitioner for quashing of FIR No.423/2015, under Sections 498-A/406 IPC, registered at P.S. Dwarka North and all the subsequent proceedings emanating therefrom.

Learned counsel for the petitioner submits that the marriage between the petitioner and the respondent No.2/complainant was solemnized on 10.05.1995 as per Hindu rites and ceremonies and out of the said wedlock two children namely Devan Garg and Devyani were born on 22.02.1996 and

15.04.1999 respectively, who are in the custody of respondent No.2. He further submits that subsequently misunderstanding between the parties has arisen, which resulted into registration of the 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 Counselling Cell, Family Courts, Dwarka, which has been reduced into writing vide Settlement Deed dated 28.04.2016. He further submits that their marriage has already been dissolved vide judgment and decree dated 01.03.2017 granted by the Principal Judge, Family Courts, Dwarka, New Delhi. He further submits that as per the settlement, the last amount due to be paid to the respondent No.2 is Rs.2,50,000/- and the same has been paid today by way of demand draft bearing No.010584, amounting to Rs.2,50,000/-, dated 18.07.2017, drawn on HDFC 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 petitioner. He further submits that the petitioner 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. Saroj Singh. The complainant submits that the matter has been amicably settled with the petitioners. She further submits that as per the terms of settlement she has received last instalment of Rs.2,50,000/- by way of aforementioned demand draft. She further submits that her children namely Devan Garg and Devyani 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 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 dispute has been amicably settled between the parties and also the marriage between the petitioner and the 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.423/2015, under Sections 498-A/406 IPC, registered at P.S. Dwarka North 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 25, 2017/km