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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4882/2016
PREM CHAND & ORS

..... Petitioners

Through: Mr.Vikas Agrawal, Advocate with the
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr.G.M.Farooqui, APP for State with
SI Roshan Lal, P.S. Nangloi, Delhi.
Mr.Jai Prakash Sharma, Advocate for
R2 with R2/complainant in person.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
02.01.2017

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Crl.M.A.No.20251/2016 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 4882/2016

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 104/2008, under Sections 498-A/406/34 IPC, registered at Police Station-Nangloi, Delhi and all subsequent proceedings arising therefrom.

Counsel for the petitioners has submitted that the marriage between the petitioner No.1 Prem Chand and the respondent No.2 Smt. Savitri was solemnized on 30.04.2006 at Delhi as per Hindu rites and ceremonies.

Counsel further submits that out of the said wedlock, two daughters, namely, Saloni and Kiran were born, who are presently 10 years and 7 years of age respectively. Counsel further submits that after the marriage due to temperamental differences and disputes, the respondent No.2 started residing separately from the petitioners since 11.04.2009 and thereafter the respondent No.2/complainant filed a complaint with CAW Cell, Kriti Nagar, Delhi and on the basis of the said complaint, an FIR bearing No.104/2008, under Sections 498-A/406/34 IPC was registered at Police Station Nangloi against the petitioners. He has further submitted that after registration of the FIR, the relatives and the friends intervened and the matter has been amicably settled between the parties outside the Court. Learned counsel for the petitioners further submits that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 21.01.2016 passed by the Addl. Principal Judge, Family Court (West), Tis Hazari Courts, Delhi. Counsel for the petitioners further submits that as per the oral settlement, the petitioner No.1 has already paid a sum of Rs.2,20,000/- to the respondent No.2/complainant towards full and final settlement of all her claims. Counsel further submits that since the matter has been amicably settled between the parties outside the Court and nothing is due and payable to the respondent No.2/complainant and nothing further remains to be adjudicated between the parties, the present FIR, which is coming as a hurdle to lead their independent peaceful life, may be quashed. Counsel for the petitioners further submits that in addition to the settled amount of Rs.2,20,000/-, the petitioner No.1 further undertakes to pay an amount of Rs.500/- per month to both the minor children, namely, Saloni and Kiran, totalling to Rs.1,000/- per month henceforth till they attain the

age of majority through the respondent No.2/complainant, who is their mother and natural guardian and are in the custody of their mother.

The respondent No.2/complainant is present in Court today and has been identified by her counsel as well as by the Investigating Officer, SI Roshan Lal, P.S. Nangloi, Delhi. The respondent No.2/complainant also admits that the matter has been amicably settled with the petitioners outside the Court and that she has received the settled amount of Rs.2,20,000/- from the petitioners and nothing remains to be due and payable to her. She further admits that the oral settlement reached between the parties is voluntary and without any force, pressure or coercion. She further admits that her marriage with the petitioner No.1 has already been dissolved vide judgment and decree dated 21.01.2016 and nothing further remains to be adjudicated between the parties and that the minor daughters are in her care and custody and has no objection if the aforesaid FIR is quashed.

Statement of the petitioner No.1 has been recorded separately wherein he has undertaken to pay an amount of Rs.500/- per month (Rs.1000/- in total) to both the daughters, in addition to the settled amount, till they attain the age of majority.

Looking into the above facts and circumstances, since the matter has been amicably settled between the parties and the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 21.01.2016 and the custody of the minor daughters, namely, Saloni and Kiran is with the respondent No.2/complainant and nothing remains to be adjudicated further, to meet the ends of justice, I deem it appropriate to quash the FIR No. 104/2008, under Sections 498-A/406/34 IPC, registered at Police Station-Nangloi, Delhi

and all subsequent proceedings arising therefrom. The parties shall remain bound by the terms of the settlement and the petitioner No.1 shall also be bound by his statement recorded today in Court.

The present petition is allowed and stands disposed of accordingly.

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

I.S.MEHTA, J

JANUARY 02, 2017

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