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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 13/2017
SANJEEV MITHRANI & ANR.

..... Petitioners

Through: Mr.R.P.Tyagi, Advocate with the
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms.Kusum Dhalla, APP for State with
SI Dhananjay Kumar, P.S. Tilak
Nagar, Delhi.
Mr.Sanjay Sharma, Advocate for R2
with R2/complainant in person.

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

ORDER
04.01.2017

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Crl.M.A.No.107/2017 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 13/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.262/2002, under Sections 498A/406/34 IPC, registered at Police Station-Tilak Nagar, Delhi and all the proceedings emanating therefrom.

Counsel for the petitioners has submitted that petitioner No.1 was the husband and the petitioner No.2 Smt.Ramesh Mithrani was the mother-in-law of the complainant. Counsel for the petitioners has further submitted

that the petitioner No.1 Sanjeev Mithrani got married to the respondent No.2/complainant Smt.Renu Bala on 14.12.1999. Counsel further submits that out of the said wedlock of the parties, one male child, namely, Master Himanshu Bakshi was born on 22.09.2000. Counsel further submits that the minor child Himanshu is right now in the custody of his natural mother, i.e. respondent No.2/complainant in the present petition and is studying in Class XI in M.R.V Model School, Mukherjee Park, Tilak Nagar, Delhi. Learned counsel for the petitioner has further submitted that due to temperamental differences and misunderstanding arisen between them, the marital relations between them could not proceed further and as such they started living separately from each other since 15.04.2003. Counsel further submits that the strained relations between the petitioner No.1 and the respondent No.2 resulted in lodging of a criminal complaint by the respondent No.2 against the petitioner No.1 and his family members, consequently, an FIR bearing FIR No.262/2002, under Sections 498-A/406/34 IPC was registered with the Police Station Tilak Nagar, New Delhi. Counsel for the petitioners further submits that after the registration of the FIR, the near relatives and friends intervened in the matter and the dispute has been amicably settled between the parties before the Mediation Centre, Tis Hazari Courts, Delhi on 02.11.2015 for a total sum of Rs.1,00,000/- which has already been paid by the petitioner No.1 to the respondent No.2. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 has also been dissolved by a decree of divorce by mutual consent vide judgment and decree dated 27.10.2016. Counsel for the petitioners has further submitted that in addition to the settled amount of Rs.1 lakh, the petitioner No.1 has further undertaken to pay an amount of Rs.5,000/- (Rupees Five Thousand

only) per month to the minor son, namely, Himanshu Bakshi as maintenance allowance henceforth till he attains the age of majority i.e. 18 years through his mother and natural guardian, Smt. Renu Bala i.e. respondent No.2/complainant in the present petition and who is presently stated to be in the custody of his mother Smt. Renu Bala. Counsel thus submits that since the matter has been amicably settled and the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved by judgment and decree dated 27.10.2016 and nothing further remains to be adjudicated between the parties, no purpose would be served in continuing criminal proceedings against the petitioners and prays that the aforesaid FIR, which is coming as a hurdle in the peaceful life of the parties, may be quashed.

The respondent No.2/complainant is present in Court today and has been identified by the Investigating Officer, SI Dhananjay Kumar, P.S. Tilak Nagar, Delhi and her counsel. The complainant also admits that she has amicably settled the dispute with the petitioners before the Mediation Centre, Tis Hazari Courts, Delhi on 02.11.2015. She further submits that as per the terms of the said settlement she has received Rs.1,00,000/- (Rupees One Lakh only) from the petitioners and 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 judgment and decree dated 27.10.2016 and she has no objection if the FIR in question is quashed. Statement of the petitioner No.1 Sanjeev Mithrani has been recorded separately wherein he has undertaken to pay an amount of Rs.5,000/- per month to the minor son Himanshu Bakshi as maintenance allowance till he attains the age of majority i.e. 18 years

henceforth through his mother and natural guardian Smt. Renu Bala, i.e. respondent No.2 herein.

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 and respondent No.2 has already been dissolved by mutual consent by a decree of divorce dated 27.10.2016, it is in their interest to lead their independent and peaceful life in future, consequently, to meet the ends of justice, FIR No.262/2002, under Sections 498A/406/34 IPC, registered at Police Station-Tilak Nagar, Delhi and all the proceedings emanating therefrom are hereby quashed. Parties to remain bound by the terms of settlement dated 02.11.2015. The petitioner No.1 shall also be bound by his statement recorded today in Court and shall not violate the same in any manner.

The present petition is disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

JANUARY 04, 2017

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