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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3358/2017
DEEPAK NISCHAL & ORS

..... Petitioners

Through: Mr. B.N. Lohia and Mr. Farooq Raza,
Advocates with petitioners present in
person.

versus

STATE & ORS

..... Respondents

Through: Mr. Izhar Ahmad APP for State, with
S.I. G.S. Gill P.S- Rajouri Garden,
Delhi.
Mr. Santwana, Advocate for R2
along with R-2/complainant in
person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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25.08.2017

CRL.M.A.13727/2017 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3358/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.298/2011, under Sections 498-A/406/34 IPC, registered at Police Station-Rajouri Garden, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioners submits that the petitioner No.1 Mr. Deepak Nischal got married with respondent No.2, Ms. Preeti Nischal @ Preeti Babbar on 24.11.2007 according to Hindu rites and customs and out of the said wedlock one daughter namely Janvi was born on 05.09.2008

who is right now in the care and custody of the respondent No.2, being her mother and natural guardian. Counsel further submits that subsequently a misunderstanding has arisen between the parties which resulted into the registration of the aforesaid FIR against the petitioners. Counsel further submits that after the registration of the FIR, the near relatives and friends intervened and the matter has been amicably settled between the parties and the same has been reduced into writing before the Mediation Centre, Tis Hazari Courts, Delhi on 20.11.2014 and the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 8th December, 2015 passed by the Principal Judge, Family Court (West), Tis Hazari Courts, Delhi in HMA No.1854/2015. Counsel further submits that nothing further remains to be adjudicated between the parties, however, the FIR in question is coming as hurdle in the personal life of the petitioners and prays that the FIR and all proceedings arising therefrom may be quashed.

The respondent No.2/complainant, Ms. Preeti Nischal @ Preeti Babbar is present in Court today and has been identified by the Investigating Officer, SI G.S. Gill, PS-Rajouri Garden, Delhi and also represented by her counsel. 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 due amounts from the petitioners and nothing further remains to be received by her from the petitioners. She further submits that her minor daughter namely Janvi shall remain in her legal custody being her mother and natural guardian. She further submits that she has no claim or grievance left against the petitioners. She further submits that the settlement/compromise has taken place with the petitioners voluntarily,

without any force, pressure or coercion. She further submits that her marriage with the petitioner No.1 has already been dissolved by mutual consent by a decree of divorce vide judgment and decree dated 8th December, 2015 passed by the Principal Judge, Family Court (West), Tis Hazari Courts, Delhi in HMA No.1854/2015 and nothing further remains to be adjudicated between them and 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, Mr. Deepak Nischal and respondent No.2, Ms. Preeti Nischal @ Preeti Babbar has already been dissolved by mutual consent by a decree of divorce dated 08.12.2015 and also the custody of minor daughter namely Janvi is in the custody of natural guardian i.e. respondent No.2, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.298/2011, under Sections 498-A/406/34 IPC, registered at Police Station-Rajouri Garden, Delhi and all proceedings arising of the same are hereby quashed. Parties shall be bound by the settlement dated 20.11.2014.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

AUGUST 25, 2017
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