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

+ **CRL.M.C. 3420/2017**

ASHOK KUMAR & ORS

..... Petitioners

Through: Mr.Pratap Singh Yadav, Adv. with
Mr.Lanu Sunil Aimol, Adv.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State
SI Mahesh Kumar, PS-Nangloi

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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28.08.2017

CRL.M.A.13973/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3420/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.106/2014, under Sections 498-A/406/34 IPC, registered at Police Station-Nangloi, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1, Mr.Ashok Kumar got married with respondent No.2, Ms.Rachna on 27.11.2009 according to Hindu rites and customs and out of the said wedlock one son namely Jatin was born on 10.12.2010 who is in the custody of his father i.e. petitioner No.1, Mr. Ashok Kumar. 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 17.11.2016 granted by the Principal Judge, Family Courts, Tis Hazari Courts, Delhi. He further submits that all disputes have been amicably settled between the parties and nothing remains to be adjudicated upon further and submits that the FIR in question is coming as hurdle in the way of the present petitioners. He further submits that the petitioners 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, Ms. Rachana is present in Court today and has been identified by the Investigating Officer, SI Mahesh Kumar, PS-Nangloi. 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 the last instalment of Rs. 1,00,000/- (Rupees One Lakh only) from the petitioners and nothing remains due from the petitioners. She further submits that her son namely Jatin shall remain in the custody of petitioner No.1. 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, Mr. Ashok Kumar and respondent No.2, Ms. Rachna has already been dissolved by mutual consent by a decree of divorce dated 17.11.2016 and also the custody of minor son namely Jatin is in the custody of natural guardian i.e. petitioner No.1, it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.106/2014, under Sections 498-A/406/34 IPC, registered at Police Station-Nangloi, Delhi 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 28, 2017/sr