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

+ CRL.M.C. 3609/2017

TARA CHAND Petitioner

Through: Mr.R.P.S.Bhatti, Adv.

versus

STATE (GNCT OF DELHI) & ANR Respondents

Through: Mr. Izhar Ahmad APP for State with
SI Omvir P.S- Nand Nagari.
Mr.Hemant Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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07.09.2017

CRL.M.A.14737/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3609/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.537/2011, under Sections 498-A/406/34 IPC and under Section 4 of Dowry Prohibition Act, registered at Police Station-Nand Nagari, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner Mr.Tara Chand got married with respondent No.2, Ms.Chanchal on 05.03.2002 according to Hindu rites and customs and out of the said wedlock three children namely Master Kunal @ Sujal aged about 11 years, Baby Prachi aged about 8 years and Master Deepanshu aged about 5 years were born

who are in the custody of their mother i.e. respondent No.2, Ms.Chanchal. 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 03.08.2016 granted by the Principal Judge, Family Courts, Shahdara, Karkardooma Court, 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 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, Ms.Chanchal is present in Court today and has been identified by the Investigating Officer, SI Omvir, P.S-Nand Nagari, Delhi. The complainant also admits that the matter has been amicably settled with the petitioner and as per the terms of settlement, she has already received all dues from the petitioner and the last instalment of Rs. 90,000/- (Rs. Ninety Thousand only) has been received by her. She further submits that her children namely Master Kunal @ Sujal, Baby Prachi and Master Deepanshu shall remain in her custody. She further submits that she has no claim or grievance left against the petitioner. 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 Mr.Tara Chand and respondent No.2, Ms.Chanchal has already been dissolved by mutual consent by a decree of divorce dated 03.08.2016 and also the custody of children namely Master Kunal @ Sujal, Baby Prachi and Master Deepanshu are 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.537/2011, under Sections 498-A/406/34 IPC and under Section 4 of Dowry Prohibition Act, registered at Police Station-Nand Nagari, 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

SEPTEMBER 07, 2017

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