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

+ **CRL.M.C. 3908/2017**

DINESH KUMAR & ORS

..... Petitioners

Through: Mr.Sanjeet Kumar, Adv. with
Mr.Manish Kumar, Adv.

versus

THE STATE GNCT OF DELHI & ANR

..... Respondents

Through: Mr.Kamal Kumar Ghei, APP for State
SI Pushpendra, PS-New Ashok Nagar
Ms.Seema Pal, Adv. for complainant.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **21.09.2017**

CRL.M.A. 15802/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3908/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.256/2010, under Sections 498-A/406/34 IPC, registered at Police Station-New Ashok Nagar, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1 Mr.Dinesh Kumar (now deceased) got married with respondent No.2, Ms.Asha on 11.02.2007 and out of the said wedlock one son namely Jatin was born who is in the custody of his grandparents i.e. petitioner No.3,

Smt.Shila Devi and petitioner No.4, Sh.Jagat Singh. 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 before the Delhi Mediation Centre, Karkardooma Courts vide compromise deed dated 10.12.2010 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 04.09.2012 granted by the Addl. District & Sessions Judge, Karkardooma Courts, Delhi. He further submits that in the year 2014 the petitioner No.1, Mr.Dinesh Kumar died. 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.Asha is present in Court today and has been identified by the Investigating Officer, SI Pushpendra. 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 last instalment of Rs.60,000/- (Rupees Sixty Thousand Only) from the petitioners and nothing remains due against the petitioners. She further submits that her son namely Jatin shall remain in the custody of his grandparents i.e. petitioner No.3, Smt.Shila Devi and petitioner No.4, Sh.Jagat Singh. 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.Dinesh Kumar and respondent No.2, Ms.Asha has already been dissolved by mutual consent by a decree of divorce dated 04.09.2012 and also the custody of minor son namely Jatin is in the custody of his grandparents i.e. petitioner No.3, Smt.Shila Devi and petitioner No.4, Sh.Jagat Singh., it is in their interest to lead their independent and peaceful life in future, consequently, the FIR No.256/2010, under Sections 498-A/406/34 IPC, registered at Police Station-New Ashok Nagar, 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 21, 2017/sr