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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4122/2017
NITIN SHARMA & ORS

..... Petitioners

Through: Mr.Rajeev Dhawan, Advocate with
the petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr.Izhar Ahmad, APP for State with
SI Ashish Kumar, P.S. Bhajanpura,
Delhi.
R2/complainant in person.

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

ORDER
11.10.2017

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Crl.M.A. No.16535/2017 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 4122/2017

This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioners for quashing of FIR No.859/2015, under Sections 498-A/406/34 IPC, registered at Police Station Bhajanpura, Delhi and all proceedings arising therefrom.

Learned counsel for the petitioners has submitted that the petitioner No.1 Nitin Sharma got married to the respondent No.2 Smt. Madhvi Sharma

on 02.12.2009 as per Hindu rites and customs at Delhi and out of the said wedlock, one female child, namely, Vidhi Sharma was born on 27.03.2012, who is right now in the care and custody of the petitioner No.1, being her father and natural guardian. Counsel further submits that subsequently a misunderstanding had 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 said 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 on 30.08.2016. Counsel further submits that the said settlement has been acted upon between the parties voluntarily, without any force, pressure or coercion and the settled amount has been paid by the petitioners to the respondent No.2 and the last instalment amounting to Rs.50,000/- has also been paid to her vide demand draft bearing No.611706 dated 21.09.2017 and nothing further remains to be paid to her. Counsel further submits that the marriage between the petitioner No.1 and the respondent No.2 has already been dissolved vide judgment and decree dated 9th June, 2017 passed by the Principal Judge, Family Court (NE), Delhi in HMA No.343/2017 and nothing further remains to be adjudicated between the parties, however, the present FIR is coming as hurdle in the personal life of the petitioners and prays that the FIR may be quashed.

Respondent No.2/complainant is present in person, who has been identified by the IO SI Ashish Kumar, Police Station Bhajanpura, Delhi. Respondent No.2/complainant present in person admits the settlement reached between the parties on 30th August, 2016 and receiving of the settled amount from the petitioners including the last instalment amounting to

Rs.50,000/- vide demand draft bearing No.611706 dated 21.09.2017. She further admits dissolution of her marriage with the petitioner No.1 vide judgment and decree dated 9th June, 2017 passed by the Principal Judge, Family Court (NE), Delhi in HMA No.343/2017 and further submits that nothing further remains to be adjudicated between them and she has no objection if the instant FIR is quashed.

Looking into the above facts and circumstances, since the matter has been amicably settled between the parties and the same has been reduced into writing on 30th August, 2016 and the settled amount has been received by the respondent No.2 and the marriage between the petitioner No.1 and respondent No.2 has already been dissolved vide judgment and decree dated 9th June, 2017 passed by the Principal Judge, Family Court (NE), Delhi in HMA No.343/2017 and nothing further remains to be adjudicated between the parties, to have peace in the life of both the parties and to meet the ends of justice, I deem it appropriate to quash the FIR in question and all subsequent proceedings arising therefrom.

Consequently, FIR No.859/2015, under Sections 498-A/406/34 IPC, registered at Police Station Bhajanpura, Delhi and all proceedings arising therefrom are hereby quashed. Parties shall be bound by the settlement dated 30th August, 2016.

The present petition is allowed and stands disposed of accordingly.

Copy of this order be given *dasti* to the parties, as prayed.

I.S.MEHTA, J

OCTOBER 11, 2017

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