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

+ **CRL.M.C. 3969/2017**

**NAVEEN KUMAR YADAV & ANR**

..... Petitioners

Through: Mr.Satya Narayan Vashishth, Adv.  
with Mr.Vijay Kaushik, Adv.

versus

**STATE & ANR**

..... Respondents

Through: Mr.Kamal Kr. Ghei, APP for State  
with SI Devender P.S- Dabri.  
Mr.Pankaj Tripathi, Adv. for R-2  
R-2 present in person

**CORAM:**

**HON'BLE MR. JUSTICE I.S.MEHTA**

**ORDER**

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**25.09.2017**

**CRL.M.A.16027/2017**

Exemption granted, subject to all just exceptions.

Application stands disposed of.

**CRL.M.C. 3969/2017**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.382/2013, under Sections 498-A/406/34 IPC, registered at Police Station-Dabri and all the proceedings emanating therefrom.

Learned counsel for the petitioners submits that the petitioner No.1, Mr.Naveen Kumar Yadav got married with respondent No.2, Ms.Sarita Yadav on 20.11.2002 according to Hindu rites and customs at Village Naya

Goan, Sahadat Nagar, Kosali, District Rewari (Haryana) and thereafter they have shifted to the matrimonial home and out of the said wedlock one son namely Galavya Gupta was born on 01.10.2009 who is in the custody of his mother i.e. respondent No.2, Ms.Indu Gupta. 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 11.01.2016 granted by the Principal Judge, Family Court, Central District, 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.Indu Gupta is present in Court today and has been identified by the Investigating Officer, SI Virender, PS-Vijay Vihar, Delhi. 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 dues from the petitioners and last instalment of Rs. 1,00,000/- (Rupees One Lakh only) has been received by her vide DD No. 501552 dated 22.09.2017. She further submits that her son namely Galavya Gupta shall remain in her custody. 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.Parvesh Gupta and respondent No.2, Ms.Indu Gupta has already been dissolved by mutual consent by a decree of divorce dated 11.01.2016 and also the custody of minor son namely Galavya Gupta 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.189/2011, under Sections 498-A/406/34 IPC, registered at Police Station-Vijay Vihar, Delhi and all proceedings arising of the same are hereby quashed. Parties to remain bound by the terms of settlement dated 22.02.2016.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

**I.S.MEHTA, J**

**SEPTEMBER 25, 2017**

**RV**