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

+ **CRL.M.C. 4032/2017**

S P SACHIN

..... Petitioner

Through: Mr.Som Prakash, Adv. with
Ms.Niharika Yadav, Adv.

versus

STATE (NCT) OF DELHI & ANR

..... Respondents

Through: Mr.Raghuvinder Varma, APP for
State with SI Vikas Rana, PS-
Fatehpur Beri
Mr.Dinkar Kumar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **26.09.2017**

CRL.M.A.16213/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 4032/2017

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.53/2013, under Sections 498-A IPC, registered at Police Station-Fatehpur Beri, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioner submits that the petitioner No.1, Mr.S.P.Sachin got married with respondent No.2, Ms.Thushara Nair on 28.08.2005 according to Hindu rites and customs and out of the said wedlock one son namely Master Arjun was born on 15.11.2006 who is in the custody of his mother i.e. respondent No.2, Ms.Thushara Nair. 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 Mediation Centre, Saket, New Delhi on 14.07.2016 and their marriage has also been dissolved by mutual consent by a decree of divorce dated 18.08.2017 granted by the Principal Judge, South, Family Court, Saket, New 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.Thushara Nair is present in Court today and has been identified by the Investigating Officer, SI Vikas Rana, PS-Fatehpur Beri. 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. 1,00,000/- (Rupees One Lakh only) has been received by her vide DD No. 034712 dated 19.09.2017. She further submits that her son namely Arjun 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 No. 1, Mr.S.P. Sachin and respondent No.2, Ms.Thushara Nair has already been dissolved by mutual consent by a decree of divorce dated 18.08.2017 and also the custody of minor son namely Arjun 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.53/2013, under Sections 498-A IPC, registered at Police Station-Fatehpur Beri, Delhi and all proceedings arising of the same are hereby quashed. Parties to remain bound by the terms of settlement dated 14.07.2016.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

SEPTEMBER 26, 2017

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