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

+ CRL.M.C. 4063/2017

KAMAL RATHOR @ LAXMI NARAYAN & ORS.... Petitioners
Through Mohd. Asif, Adv.

versus

STATE & ANR Respondents
Through Ms. Manjeet Arya, APP with SI Shri
Bhagwan, P.S. Neb Sarai for
respondent no. 1
Ms. Vijay Laxmi, Adv. with
respondent no. 2 in person.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **30.10.2017**

Respondent no. 2 Pooja is present in Court along with her counsel and has been identified by SI Shri Bhagwan of Police Station Neb Sarai. Respondent no. 2 says that she has settled the matter with petitioner no. 1 of her own free will, voluntarily and without any undue force, pressure or coercion. It is submitted that petitioner no. 1 had filed a petition under Section 13(i)(ia)(ib) of the Hindu Marriage Act, 1955 before the Family Court seeking divorce from the respondent no. 2, which was decreed by the Family Court, vide judgment and decree dated 28th October, 2013.

Respondent no. 2 filed a MAT APP (FC) No. 72/2013. It appears that a settlement was arrived at between the petitioner no. 1 and respondent no. 2, accordingly, appeal was disposed of by the Division Bench of this Court vide order dated 29th May, 2017, a perusal of para 4 whereof shows that respondent no. 2 has accepted the decree of divorce pursuant to the settlement dated 11th November, 2016. Respondent no. 2 says that she is not willing to pursue the FIR any further and the same may be quashed against the petitioner no. 1 and his relatives, that is, petitioner nos. 2 and 3.

Keeping in mind the settlement arrived at between the petitioner no. 1 and respondent no. 2 voluntarily, more particularly, the fact that marriage between petitioner no.1 and respondent no.2 no more subsists, in the interest of justice, FIR No.254/2009 under Sections 498-A/34 IPC registered at Police Station Neb Sarai and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

OCTOBER 30, 2017
r.bararia