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

+ CRL.M.C. 4114/2017

BIJENDER KUMAR & ORS Petitioners
Through: Mr. S.P. Kaushik, Advocate.

Versus

STATE & ANR Respondents
Through: Mr.Hirein Sharma, APP for State
ASI Jasmer Singh, PS-Narela, Delhi
Mr. Rajender Kaushik, Advocate for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **10.10.2017**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.647/2014, under Sections 498-A/406/34 IPC, registered at Police Station Narela, Delhi and all the proceedings emanating therefrom.

Learned counsel for the petitioners submits that the petitioner No.1 Bijender Kumar got married to respondent No.2, Smt. Santosh on 9.7.2000 according to Hindu rites and customs. He further submits that out of above marriage, a male child Prashant was born on 19.3.2003 and subsequently, a female child Anu was born on 1.10.2005. Learned counsel for the petitioner further submits that temperamental differences and misunderstanding arose between them resulting in the registration of FIR No.647/2014, under Sections 498-A/406/34 IPC but consequently with the intervention of near relatives and close friends, the matter has been amicably settled in bail application No.2018/2014 before this Court and as per the settlement, the

settled amount is being paid and last instalment amounting to Rs. 1 lakh is being paid vide Demand Draft no.306301 for Rs.40,000/-, Nos.306302 and 306303 for Rs.30,000/-, each dated 10.10.2017 drawn on UCO Bank, Delhi High Court Branch and nothing remains to be paid. Learned counsel for the petitioners has further submitted that the marriage between the petitioner No.1 and respondent No.2 has already been dissolved vide judgment and decree of divorce dated 24.8.2016 in HMA No.559732/2016. Learned counsel for the petitioner further submitted that nothing remains to be adjudicated between the parties and prays that the FIR 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, Smt. Santosh is present in Court today and has been identified by the Investigating Officer, SI Jagmer Singh. The respondent No.2 also admits that the matter has been amicably settled with the petitioner and she has already received all dues from the petitioner. She further submits that she has no claim or grievance left against the petitioner. She further submits that their marriage has already been dissolved by mutual consent by a decree of divorce dated 24.8.2016 in HMA No.559732/2016 passed by Family Court, North Rohini, Delhi and she has no objection if the FIR in question is quashed. Respondent No.2 further admits that the son and daughter named Prashant and Anu are in the custody of their father. Respondent No.2 further admits that she has received the settled amount and she has no objection in the quashing of aforesaid FIR.

Keeping in view the facts and circumstances of the case and the fact that the matter has been amicably settled between the parties in Bail Application No.2018/2014 before this Court and also the marriage between the petitioner No. 1 Mr. Bijender Kumar and respondent No.2 Smt. Santosh has already been dissolved by mutual consent by a decree of divorce dated 24.08.2016, it is in their interest to lead their independent and peaceful life in future. In the circumstances, I deem it appropriate to quash the FIR No.647/2014, under Sections 498-A/406/34 IPC, registered at Police Station Narela, Delhi and all the proceedings emanating therefrom.

The present petition is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

OCTOBER 10, 2017/srb