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

+ CRL.M.C. 4209/2017 & Crl.M.A. No. 16878/2017

ANUJ YADAV & ORS

..... Petitioners

Through: Mr. Harpreet Singh Popli, Advocate
with Mr. Sumit Choudhary and
Mr. Kanwar Kochhar, Advocates

versus

THE STATE & ANR

..... Respondents

Through: Mr. Kamal Kr. Ghei, APP for State
Mr. Sahil Munjal and Ms. Rhea
Gandhi, Advocates for R-2 with
complainant in person.
SI Vijay Singh, PS Prashant Vihar

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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16.10.2017

Crl.M.A. No. 16878/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 4209/2017

This is a petition under Section 482 Cr.P.C. moved by the petitioners for quashing of FIR No.383/2012, under Sections 498-A/406/34 IPC, registered at P.S. Prashant Vihar, Delhi, and all the subsequent proceedings emanating therefrom.

Learned counsel for the petitioners submits that the marriage between

the petitioner No.1-Mr.Anuj Yadav and the respondent No.2/complainant-Ms. Disha Yadav was solemnized on 05.11.2009 as per Hindu rites and ceremonies. It is further submitted that from the said wedlock one female child, namely, Baby Misthi alias Guddu was born on 22.03.2011. Learned counsel further submits that subsequently some misunderstanding between the parties arose, which resulted into registration of aforesaid FIR. He further submits that after registration of the FIR, the near relatives and close friends intervened and the matter has been amicably settled between the parties and the same has been reduced in writing vide Compromise Deed dated 30.01.2017. He further submits that the child, namely, Baby Misthi alias Guddu is in the custody of her natural mother i.e. respondent No.2.

Learned counsel for the petitioners further submits that the marriage between the petitioner No.1 and respondent No.2 has already been dissolved vide judgment and decree dated 11.08.2017 granted by the Principal Judge, North-West Family Courts, Rohini, Delhi in HMA No.1300/2017. He further submits that as per the settlement, the last amount due to be paid to the respondent No.2 is Rs.10,00,000/- (Rupees Ten Lakh Only) and the same has been paid today by way of two demand drafts in the sum of Rs.5,00,000/- (Rupees Five Lakh Only) each bearing Nos. 275966 & 275967 both dated 16.10.2017 drawn on Bank of India and that nothing remains to be adjudicated upon further. He also submits that the FIR in question is coming as hurdle in the way of the present petitioners. He further submits that the petitioner No.1 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 is present in Court today and has been identified by the Investigating Officer, SI Vijay Singh. The complainant submits that the matter has been amicably settled with the petitioners. She further submits that as per the terms of settlement she has received the last instalment of Rs.10,00,000/- by way of aforementioned two demand drafts. 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 and that 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 and respondent No.2 has already been dissolved by mutual consent by a decree of divorce, it is in their interest to lead their independent and peaceful life in future.

Consequently, the FIR No.383/2012, under Sections 498-A/406/34 IPC, registered at P.S. Prashant Vihar, Delhi, and all proceedings arising out of the same are hereby quashed.

The present petition is allowed and disposed of accordingly.

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

I.S.MEHTA, J

OCTOBER 16, 2017

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