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IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 3722/2011

PANKAJ MEHRA Petitioner
Through Mr.Jagdish Dhawan, Adv.

versus

STATE NCT OF DELHI & ANR. Respondents
Through Mr.Sunil Sharma, APP
Ms.Ritu Gaba, Adv.

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

% **ORDER**
14.11.2011

1. This is a petition under Section 482 Cr.P.C. filed by the petitioner against the order dated 25.6.2011 passed by the learned MM dismissing the request of the petitioner/accused to treat the settlement which have been arrived at between the present petitioner and the respondent /complainant before the Mediation Cell on 2.7.2010, as binding.
2. It has been contended by the learned counsel for the petitioner that once the settlement was arrived at between the petitioner and the respondent, it was not open to her to take her steps back and withdraw the consent for going ahead with the quashing of the petition and obtaining the divorce on the basis of the mutual consent.

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3. I have heard the learned counsel for the petitioner and gone through the impugned order.
 4. The learned Judge has specifically observed that the settlement arrived at between the parties before the Mediation Cell is not binding. This is the correct view taken by the learned Judge. In addition to this, under the terms and conditions of the settlement, the respondent /complainant has not drawn any unfair advantage inasmuch as not a single penny has been paid to the respondent/complainant by way of maintenance, permanent alimony, etc. She has also been given the custody of the minor daughter, who is stated to be suffering from Thalesaemia. No provision has been made for the maintenance of the minor child.
 5. The petitioner had been protected by conferring of visitation rights. The respondent/complainant had appeared before the Trial Court and stated that when the terms of settlement were arrived at between the respondent /complainant and the present petitioner on 2.7.2010, she was not able to comprehend implications of the settlement and accordingly, expressed unwillingness to go ahead with the settlement. The learned Magistrate has rightly rejected the prayer of the petitioner to bind the respondent /complainant by a settlement and put up

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the case for recording of evidence of the prosecution.

6. In my considered opinion, there is neither any abuse of the processes of the law nor any other order is warranted to be passed in the interest of justice by this Court. Accordingly, the petition is without any merit and the same is dismissed.


V.K. SHALI, J

NOVEMBER 14, 2011

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