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

+ CRL.M.C. 930/2015

MAYANK GARG & ORS

Through

..... Petitioners  
Mr.Siddharth Khattar, Adv.

versus

STATE OF NCT OF DELHI & ANR

Through

..... Respondents  
Mr.M.N.Dudeja, APP for the State  
along with SI Sumitra Sharma, PS  
Rajouri Garden, in person.  
Mr.Anil Sharma, Adv. for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN SINGH**

**ORDER**

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**10.03.2015**

**Crl. M.A. No.3487/2015 (exemption)**

Exemption allowed, subject to just exceptions.

The application is disposed of.

**Crl. M.C. No.930/2015**

The present petition has been filed by the petitioners under Section 482 Cr.P.C. for quashing of FIR No.26/2014, registered on 8<sup>th</sup> January, 2014, under Sections 498-A/406/34 IPC, at P.S. Rajouri Garden, Delhi on the complaint of respondent No.2.

Brief facts of the case are that respondent No.2 got married with petitioner No.1 on 17<sup>th</sup> July, 2007 according to Hindu rites and ceremonies. One female child, namely, Vanshika was born out of this wedlock on 18<sup>th</sup>

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May, 2009. Due to temperamental differences, they are living separately from each other since August, 2012. In the meanwhile, on the basis of the complaint made by respondent No.2, the aforesaid FIR was registered against the petitioners on 8<sup>th</sup> January, 2014. During the pendency of the proceedings, the petitioner No.1 and respondent No.2 have settled their disputes amicably by virtue of Settlement Agreement dated 2<sup>nd</sup> February, 2015. The terms and conditions of the settlement are mentioned in the said agreement. Copy of the same is placed on the record which is duly signed by the parties. In view of the settlement, the First Motion Petition for divorce by mutual consent was filed by the parties, which was allowed by order dated 11<sup>th</sup> February, 2015. I have been informed that the Second Motion Petition for divorce would be filed as per the settlement.

The relevant clauses of the settlement are Clauses 3 & 5 of the agreement. In terms of the settlement, petitioner No.1 agreed to pay a total sum of Rs.21 lac to respondent No.2 towards full and final settlement amount including permanent alimony, maintenance (past, present or future) or any other amount claimed under any other head including jewellery, articles, stridhan, etc. The said amount includes the amount of Rs.8 lac lying in Fixed Deposit which was prepared in the name of Baby Vanshika and is presently lying in the custody of the IO in the matter. The petitioners have no objection if the said FDR be now released to the respondent No.2 subject to the condition that respondent No.2 would not use the said amount of the FDR till the Second Motion is passed. Respondent No.2 is agreeable for the same. Ordered accordingly. The IO is directed to release the aforesaid FDR to respondent No.2.

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The petitioner No.1 had already paid Rs.4 lac to respondent No.2 during First Motion Petition. He has paid another sum of Rs.4 lac by way of demand draft to respondent No.2 today in Court itself. The remaining sum of Rs.5 lac would be paid by petitioner No.1 to respondent No.2 at the time of recording of her statement during the Second Motion Petition. The parties shall be bound by terms and conditions of the settlement as recorded in the Settlement Agreement.

All the petitioners as well as respondent No.2 are present in Court who are duly identified by their respective counsel. Identification proofs have been filed by the parties along with the petition. Respondent No.2/complainant has confirmed the settlement as well as receiving of the up-to-date amount from petitioner No.1 in terms thereof. She has assured that she would be present before Court for the purposes of Second Motion. She has no objection if the prayer made in the present petition is allowed. She has also filed her affidavit in this regard which is placed on the record.

In view of the averments made in the petition as well as the settlement arrived at between the parties, the FIR No.26/2014, registered on 8<sup>th</sup> January, 2014, under Sections 498-A/406/34 IPC, at P.S. Rajouri Garden, Delhi and proceedings pursuant thereto are hereby quashed qua the petitioners.

The petition is accordingly disposed of.

  
MANMOHAN SINGH, J.

MARCH 10, 2015/ka