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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 25.08.2015

+ W.P.(CRL) 1775/2015

RAVI JAIN & ORS

..... Petitioners

Through Mr. Amarjeet Singh, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through Mr. Ankit Kumar Gulia for Mr. R.S.
Kundu, ASC (Crl.) for the State
SI Manoj Dahiya, P.S. Punjabi Bagh

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C, 1973 seeking quashing of FIR No. 58/2014 under Sections 498A/406/34 IPC registered at Police Station- Punjabi Bagh and the proceedings arising therefrom.

2. The facts in brief are that the petitioner No.1 was married to respondent No.2 according to Hindu rites and ceremonies on 13th May, 2013 at Delhi. However, no child was born from the said wedlock. After the

marriage, the parties lived together as husband and wife in their matrimonial home but owing to temperamental and ideological differences, they separated from each other and have been living separately since 17th May, 2013. On a complaint lodged by respondent No.2, the subject FIR was registered against the petitioners.

3. Counsel for the parties state that with the aid and assistance of the Delhi Mediation Centre, Tis Hazari Courts, the parties have arrived at an amicable resolution of their outstanding marital disputes. The terms and conditions of the said settlement are encapsulated in the Settlement Agreement/Memorandum of Understanding (MOU) dated 6th June, 2014, annexed to the present petition as Annexure-B, are as follows:-

“1. The petitioner has agreed to pay a total sum of Rs.5,00,000/- (Rupees Five Lakh only) towards the entire istridhan, past, present and future maintenance as well as similar claims of the respondent in respect of the present marriage against the respondent.

2. It is further agreed between the parties that the petitioner will seek quashing of the aforesaid FIR 58/2014 from the Hon’ble High Court and the respondent has assured that she will cooperate in getting FIR quashed from the Hon’ble High Court.

3. That the parties have agreed that they will break this matrimonial tie by filing appropriate proceedings under

Section 13(B) of HMA before the competent Court and the petitioner will move the petition seeking divorce by mutual consent. The first motion will be filed by the petitioner by 7th July, 2014. The petitioner will intimate the respondent in writing to the effect and the respondent will putting the signature on the said petition.

4. The petitioner will pay a sum of Rs.1,50,000/- to the respondent at the time of recording the statement in the petition filed under Section 13 (B) (1) HMA.

5. The second motion under Section 13(B) (2) of HMA will also be filed by petitioner with prior intimation to the respondent in this regard.

6. A sum of Rs.1,50,000/- will be paid by the petitioner by the respondent at the time of recording the statement in second motion before the concerned Court.

7. After getting a decree of divorce by mutual consent filed by the parties, the petitioner will move before Hon'ble High Court for getting the FIR no.58/2014 quashed by Hon'ble High Court. The petitioner will inform the respondent in this regard and the respondent will cooperate and will appear before the Court concerned at the time of hearing of the quashing proceedings and will cooperate in this proceedings. The petitioner will pay a sum of Rs.2,00,000/- (Rupees Two Lakh Only) at the time of Statement before the Hon'ble High Court.

8. With the aforesaid settlement the dispute between the parties will stand resolved.

9. It has also been agreed between the parties that this settlement is full and final and both parties undertake not to file any case/complaint/suit/petition against each other and

shall be entitled to lead their life independently and both the parties shall not interfere in the life of each other and family members of each other.”

4. Counsel appearing on behalf of the parties state that in pursuance to the said Settlement Agreement dated 6th June, 2014, a decree of divorce by mutual consent has already been obtained from the competent Court. A sum of Rs. 3 lakhs has already been paid to the respondent no. 2 by the petitioners till date. The balance sum of Rs. 2 lakhs has been handed over to respondent No.2 by way of two Demand Drafts dated 26th June, 2015 bearing Nos. 211105 and 211106 respectively for the sum of Rs. 1 lakh each drawn on The Vaish Cooperative Adarsh Bank Ltd., Karol Bagh, New Delhi, in favour of the respondent no. 2, in Court today. Respondent No.2 acknowledges receipt thereof subject to its encashment.

5. Respondent No.2, who is present in Court and has been identified by her counsel as well as the Investigating Officer i.e. SI Manoj Dahiya, Police Station Punjabi Bagh, Delhi, states that in view of the settlement arrived at between the parties, she is no longer keen to proceed with the subject FIR and the proceedings emanating therefrom.

6. Since the dispute between the parties, which arose out of a matrimonial discord between petitioner no. 1 and respondent no. 2, has been

settled amicably by way of a Settlement Agreement/MOU dated 6th June, 2014, without any undue influence, pressure or coercion; and since the agreement between the parties is lawful, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

7. Resultantly, the FIR No. 58/2014 under Sections 498A/406/34 IPC registered at Police Station- Punjabi Bagh and the proceedings arising therefrom are hereby set aside and quashed *qua* all the petitioners subject to the petitioners depositing a sum of Rs. 10,000/- each with the Delhi High Court Legal Services Committee within a period of two weeks from today. Receipt thereof shall be provided to the Investigating Officer in the subject FIR.

8. With the above directions, the writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

AUGUST 25, 2015

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