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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 02.09.2015

+ W.P.(CRL) 1583/2015

NIKHIL VIG & ORS

..... Petitioners

Through

Mr. Hari Kishan, Advocate along with
petitioner no. 1

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through

Mr. Ashish Aggarwal, ASC (Crl.) for
the State
SI Sudhir Sharma, P.S. Sunlight Colony
Mr. Rajnish Kumar, Adv. for the
respondent no.2/complainant along with
respondent no. 2

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 227 of the Constitution of India read with Section 482 Cr.P.C, 1973 seeking quashing of FIR No. 10/2012 under Sections 498A/406/34 IPC registered at Police Station- Sunlight Colony, Delhi 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 1st December, 2010. 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. On a complaint lodged by respondent No.2/wife, the subject FIR was registered against the petitioner no. 1 and his family members.

3. Counsel appearing on behalf of the parties state that with the aid and assistance of the Counselling Cell, Central District, Tis Hazari Courts, Delhi, 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 dated 4th August, 2014, annexed to the present petition as Annexure-P2 at page 28 of the present petition.

4. Counsel appearing on behalf of the parties further state that in pursuance to the aforesaid settlement, a decree of divorce by mutual consent dated 25th April, 2015 has already been obtained from the competent Court.

5. The only thing that remains to be done is to direct the concerned Magistrate before whom the subject FIR is pending adjudication to encash the Fixed Deposit Receipt in the amount of Rs. 2,63,000/- along with interest accrued thereon and release the proceeds thereof in favour of respondent no.2/wife. Ordered accordingly.

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 Sudhir Sharma, Police Station- Sunlight Colony, 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 dated 4th August, 2014, without any undue influence, pressure or coercion; and as the parties have obtained decree of divorce by mutual consent; 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. 10/2012 under Sections 498A/406/34 IPC registered at Police Station- Sunlight Colony, Delhi and the proceedings

arising therefrom are hereby set aside and quashed *qua* all the petitioners subject to the petitioners depositing a sum of Rs. 5,000/- 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.

9. *Dasti.*

SIDDHARTH MRIDUL, J

SEPTEMBER 02, 2015
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