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

+ **W.P.(CRL) 1746/2015**

GHAN SHYAM & ORS

..... Petitioners

Through: Mr.Dinkar Verma, Adv.

versus

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

Through: Mr.Piyush Singhal, Adv. proxy for
Mr.Ashish Agarwal, ASC with SI Subhash Chand,
PS Sangam Vihar.

Mr.Madan Lal, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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17.08.2015

Crl.M.A.11766/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1746/2015

By the present petition, the petitioners, who are the husband and his relatives, seek quashing of the FIR No.498/2013 dated 11.11.2013 (PS Sangam Vihar) instituted for offences under Sections 406, 498A and 34 of IPC.

The respondent No.2 is present in person along with her counsel and submits that she has no objection to the quashing of FIR as her grievances have been

redressed pursuant to mediation and later, an agreement between the accused persons and respondent No.2, which stood concluded on 18.1.2014.

The petitioner No.1 was married to respondent No.2 in the year 2012. No child was begotten from the wedlock. Certain differences arose between the parties where after the husband and wife started residing separately.

It has been stated on behalf of the petitioner that the respondent wife left the matrimonial home on 15.6.2012. Sometimes later i.e. on 13.2.2013 the respondent No.2 lodged a complaint in CAW Cell, Nanak Pura, New Delhi. Thereafter the subject FIR namely FIR No.498/2013 was instituted on 11.11.2013.

Learned counsel for the petitioner draws the attention of this Court to the fact that the petitioner had also filed a case under Section 9 of the Hindu Marriage Act, 1955 for restitution of his conjugal rights. In the aforesaid petition, the dispute was referred to Mediation Centre whereupon one Vandana Sharma, Mediator, facilitated the settlement of disputes between the parties especially husband and wife i.e. petitioner No.1 and respondent No.2.

Considering the irretrievable matrimonial discord, it was agreed upon between the parties that they would part ways by seeking a decree of divorce by mutual consent. The petitioner No.1 (husband), as part of the arrangement, had to pay a total sum of Rs.60,000/- towards full and final settlement of claims of respondent No.2 arising out of her marriage with the petitioner. This amount included maintenance - past, present and future, permanent alimony, *istridhan* and dowry articles.

The aforesaid amount of Rs.60,000/- had to be paid in instalment.

The last instalment of Rs.20,000/- has been handed over by the counsel for the petitioner to respondent No.2 which has been accepted by her as full and final settlement of the case.

As part of the arrangement, it was agreed upon between the parties that after the part of the obligation which was required to be performed by the petitioner (especially petitioner No.1) was fulfilled, the respondent No.2 would assist and facilitate the quashing of the FIR No.498/2013 (P.S. Sangam Vihar) i.e. the subject FIR.

It has been submitted on behalf of the petitioner that a decree of divorce has already been passed and the petitioner No.1 and respondent No.2 are free to lead their lives.

Considering the aforesaid aspects, it would be in the interest of justice that FIR and all the resultant proceedings thereby be quashed. No useful purpose would be served in allowing the investigation in the aforesaid FIR to continue.

As a result of the aforesaid discussion, the FIR No.498/2013 is quashed.

The petition is allowed.

ASHUTOSH KUMAR, J

AUGUST 17, 2015

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