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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 28.08.2015

+ **W.P.(CRL) 1873/2015**

HARVEER SINGH & ORS

..... Petitioners

Through

Mr. Amar Nath Saini, Advocate

versus

STATE & ANR

..... Respondents

Through

Mr. Ashish Aggarwal, ASC (Crl.)

SI Anita Sharma, P.S. Keshav Puram

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

Crl. MA No. 12553/2015 (Exemption)

1. Exemptions allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 1873/2015

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. 315/2014 under Sections 498A/406/34 IPC registered at Police Station- Keshav Puram, 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 4th February, 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 started living separately. On a complaint instituted by respondent No.2, the subject FIR was registered against the petitioner no. 1 and his family members.

3. Counsel for the parties state that with the intervention of elders in the family and friends, the parties to the union have arrived at an amicable resolution of their outstanding marital disputes. The terms and conditions of the aforesaid settlement dated 20th June, 2014 are extracted in the present petition in paragraph 5. The same are as follows:-

“1. That the petitioner no. 1 and the respondent no. 2 shall seek divorce by way of mutual consent for dissolution of marriage which has already taken place in the present case vide judgment dated 04.04.2015.

2. That out of the settlement amount of Rs. 7,00,000/-, Rs. 2,33,333/- was agreed to pay at the time of first motion, Rs. 2,33,333/- at the time of making statement at the time of second motion under Section 13B(2) HMA, 1955 and Rs. 2,33,333/- before the Hon’ble High Court of Delhi at the

time of quashing of the FIR bearing no. 315/2014 under Sections 498A/406/34 IPC, Police Station Keshav Puram. Whereas now only Rs. 2,33,333/- remains to be paid before the Hon'ble High Court as divorce has already taken place and Rs. 4,66,666/- has already been paid to the respondent no. 2 by the petitioner no. 1.”

4. Counsel appearing on behalf of the parties state that in pursuance to the said Settlement Agreement dated 20th June, 2014, a decree of divorce by mutual consent has already been obtained from the competent Court.

5. In a nutshell, it has been agreed by and between the parties to the union that respondent no. 2/wife shall be paid a lump-sum of Rs. 7 lakhs towards all her claims against the petitioners.

6. Respondent No.2/wife, who is present in Court and has been identified by her counsel as well as the Investigating Officer i.e. SI Anita, Police Station- Keshav Puram, Delhi, states in pursuance to the settlement, she has already received two installments in the sum of Rs. 2,33,333/- each from the petitioners.

7. The balance sum of Rs. 2,33,333 lakhs has been handed over to respondent No.2 by way of a Demand Draft dated 27th August, 2015 bearing No. 501225 drawn on the ICICI Bank, Connaught Place, New Delhi in

favour of the respondent no. 2, in Court today. Respondent No.2 acknowledges receipt thereof subject to its encashment.

8. Respondent No.2/wife further 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.

9. 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 20th 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.

10. Resultantly, the FIR No. 315/2014 under Sections 498A/406/34 IPC registered at Police Station- Keshav Puram, 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. 10,000/- each with the Mother Teresa's Missionaries of Charity, Jeevan Jyoti Home, Opp. Sai Hospital, Jangpura-B, Mathura Road, New Delhi-14, within a period of two weeks from today. Receipt thereof shall be provided to the Investigating Officer in the subject FIR.

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

SIDDHARTH MRIDUL, J

AUGUST 28, 2015/sd

