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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 16.11.2015

W.P.(CRL) 2383/2015

GUNDEEP SINGH & ORS

..... Petitioners

Through: Mr. Virender S. Chaudhary, Advocate

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. R.S. Kundu, ASC (Criminal) with
Mr. Vishesh Wadhwa, Advocate for
R-1
Ms. Maninder Kaur, Respondent No.2
in person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.15566/2015 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 2383/2015

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking quashing of FIR No.428/2013, under Sections 498A/406/34 IPC, registered at Police Station- Kirti Nagar, Delhi and the proceedings arising therefrom.

2. Gundeep Singh and Maninder Kaur, petitioner No.1 and respondent No.2 respectively were married according to Sikh rites and ceremonies on 24.09.2012. No child has been born from the said wedlock. Owing to ideological and temperamental differences the parties to the marriage have been living separately since 10.03.2013. On a complaint filed by the respondent No.2 (wife) against her husband (petitioner No.1) and his family members, the subject FIR was registered.

3. Counsel for the parties state that with the aid and assistance of the Mediation Centre at Tis Hazari Courts, Delhi, the parties to the union have arrived at an amicable resolution of all their matrimonial disputes. The terms and conditions thereof are recorded in the proceeding sheet of 21.01.2014 which is annexed to the present petition as Annexure P-2 at Page No.47.

4. The respondent No.2 (wife) who is present in person has proved her identity by producing her Aadhaar Card No.992350090089 and states that she has already received a sum of Rs.2,00,000/- pursuant to the settlement agreement dated 21.01.2014. The balance sum of Rs.3,00,000/- has been deposited by the petitioner before the Court of Ms. Colette Rashmi Kujur, Metropolitan Magistrate, Mahila Court, West, Tis Hazari Courts, Delhi on 10.11.2015 by way of two demand drafts bearing Nos.007380 and 007472 dated 24.07.2015 and 10.08.2015 in the sum of Rs.2,00,000/- and Rs.1,00,000/- respectively drawn on IDBI Bank, Vikaspuri, New Delhi in favour of the respondent No.2 (wife).

5. The concerned Metropolitan Magistrate, Mahila Courts, West, Tis Hazari Courts, Delhi is directed to release the amount so deposited to respondent No.2 Ms. Maninder Kaur (complainant in the subject FIR) forthwith on an application being made by the latter in this behalf.

6. The respondent No.2 (wife), who is present in Court 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 arising therefrom.

7. In view of the foregoing, since the dispute which resulted in the registration of the subject FIR has already been resolved amicably by the

parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

8. Consequently, FIR No.428/2013, under Sections 498A/406/34 IPC, registered at Police Station- Kirti Nagar, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* the petitioners subject to their depositing a sum of Rs.5,000/- (Rupees Five Thousand) each with the Victims Compensation Fund, Government of NCT of Delhi within a period of two weeks from today. The receipt of the deposit be provided to the IO in the subject FIR.

9. The petition is disposed of accordingly.

SIDDHARTH MRIDUL, J

NOVEMBER 16, 2015

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