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

**Date of decision: 16.11.2015**

**W.P.(CRL) 2596/2015**

**KAPIL RAJ BANSAL & ORS**

..... Petitioners

Through: Mr. S.K. Goyal and Mr. A.K. Goyal,  
Advocates

versus

**THE STATE ( NCT OF DELHI) & ANR**

..... Respondents

Through: Mr. Jamal Akhtar, Advocate for Mr.  
Rahul Mehra, Standing Counsel  
(Criminal) for R-1  
Mr. Rajesh Gupta, Advocate for R-2  
along with the Respondent No.2 in  
person

**CORAM:**

**HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

**SIDDHARTH MRIDUL, J (ORAL)**

**CRL.M.A.16521/2015 (Exemption)**

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

**W.P.(CRL) 2596/2015**

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.1149/2014, under Sections 498A/406/34 IPC, registered at Police Station- Vijay Vihar, Delhi and the proceedings arising therefrom.

2. The facts in brief are that Kapil Raj Bansal and Anju Bansal, petitioner No.1 and respondent No.2 respectively were married according to Hindu rites and customs on 30.04.2012. A female child namely, Vandana was born out of the said wedlock. Vandana is stated to be in the custody of her father, petitioner No.1 herein. Owing to ideological and temperamental differences the parties have separated from each other on 09.03.2014 and have been residing separately since then. On a complaint instituted 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 advice and intervention of elders in the family, the parties to the union have arrived at an amicable resolution of all their matrimonial disputes. The terms and conditions of the said agreement are encapsulated in the joint statement of the parties recorded before the Hon'ble Principal Judge, (North-West), Family Court, Rohini, Delhi on 25.03.2015. In a nutshell, it has been agreed by and between the parties that the petitioner No.1 (husband) shall pay a total sum of

Rs.5,25,000/- to the respondent No.2 (wife) towards full and final settlement of all her claims in respect of dowry/stridhan articles, maintenance – past, present and future, permanent alimony etc. A sum of Rs.2,25,000/- has already been received by the respondent No.2 (wife) in cash before the said Family Court. The balance sum of Rs.3,00,000/- has been brought to the Court in the shape of a Demand Draft bearing No.314978 dated 02.11.2015, drawn on The Delhi State Co-operative Bank Ltd., Begum Pur Road, Budh Vihar, Delhi in favour of the respondent No.2 (wife). The respondent No.2 (wife) who is present in person accepts receipt thereof subject to encashment.

**4.** The respondent No.2 (wife), who is present in person and has been identified by the IO in the subject FIR, SI Vijender, Police Station- Vijay Vihar, 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 arising therefrom. A decree of divorce by mutual consent has already been obtained by the parties on 15.10.2015 from the Court of competent jurisdiction.

5. The agreement between the parties is lawful and is accepted. The parties shall now abide strictly with the terms and conditions agreed upon therein without demur.

6. 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.

7. Consequently, FIR No.1149/2014, under Sections 498A/406/34 IPC, registered at Police Station- Vijay Vihar, 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 Delhi Police Martyrs' Fund, Police Headquarters, Delhi within a period of two weeks from today. The receipt of the deposit be provided to the IO in the subject FIR.

8. The petition is disposed of accordingly.

**SIDDHARTH MRIDUL, J**

**NOVEMBER 16, 2015**

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