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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 30.11.2015

W.P.(CRL) 2740/2015

ABHISHEK SHARMA & ORS

..... Petitioners

Through: Mr. Anil Sharma, Advocate

versus

THE STATE & ANR

..... Respondents

Through: Mr. Ashish Aggarwal, ASC
(Criminal) for R-1
Mr. Mayank Sharma, Advocate for R-2

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.17412/2015 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 2740/2015

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.161/2015, under Sections 498A/406/34 IPC,

registered at Police Station- Geeta Colony, Delhi and the proceedings arising therefrom.

2. The facts in brief are that on 23.10.2015 the petitioner No.1 married respondent No.2 according to Hindu rites and ceremonies in Delhi. One female child, namely, baby Sonakshi was born out of the said wedlock on 09.12.2013 who is in the care and custody of petitioner No.1 (husband) and the respondent No.2 (wife). Due to ideological differences and misunderstandings the respondent No.2 (wife) filed a complaint which has fructified into the subject FIR. The petitioner No.1 (husband) and the respondent No.2 (wife) were referred to the Mediation Centre, Karkardoma Courts, Delhi, Delhi by the Sessions Court. With the aid and assistance of the Mediation Centre, the parties have arrived at an amicable resolution of their matrimonial dispute, inter alia, on the following terms and conditions:-

- “1. It has been settled between the parties (i.e. petitioner/wife and respondent/husband) that they shall live together as husband and wife along with their child namely Sonakshi in a rented house in Delhi on or before 07.09.2015.
2. It is agreed between the parties that the respondent/husband shall bear and maintain the petitioner/wife and the child and also responsible for the whole household

expenses like medical, rationing, education etc.

3. It is agreed between the parties that the petitioner/wife shall do the household work and shall perform the matrimonial obligations.
4. It has been settled between the parties that both the parties shall try to harmonize their relationship and respect feelings of each other and shall not give any chance of complaint to each other and shall also not use any kind of abusive language/negative remarks against each other.
5. It has been further agreed between the parties that family members/relatives of both the parties shall not interfere in the peaceful matrimonial life the parties.
6. It has been agreed between the parties that the petitioner/wife and the respondent/husband shall withdraw their respective cases from the court concerned, within four months from today, on being satisfactory living together of the parties.
7. It has been further agreed between the parties that the respondent/husband shall move appropriate petition before Hon'ble High Court of Delhi for quashing of present FIR No.161/15, U/s 498A/406/34 IPC, PS-Geeta Colony after six months from joining of the parties together, on being satisfaction living together of the parties. Further, the petitioner/wife shall cooperate to get the FIR quashed before the Hon'ble High Court.

8. It is agreed between the parties that besides the above said matter, no other case is pending litigation between them. However, in case any other case/litigation shall be found pending between the parties, the same shall be withdrawn by the respective parties in the light of present settlement.
9. It has been settled between the parties that this settlement is arrived at between the parties voluntarily, without there being any pressure, coercion or threat or undue influence of any kind and they are signing the same after understanding the contents of the same in their vernacular language.
10. It is agreed between the parties that they shall remain bound by the aforesaid terms of settlement.”

3. Petitioner No.1 Abhishek Sharma (husband) and respondent No.2 Dimple Bhatia alias Bhoomika Sharma (wife) who are present in person in Court today and have been identified by their respective counsel. The respondent No.2 (wife) states in view of the settlement dated 07.08.2015 arrived at between the parties she is living together with the petitioner No.1 (husband) since 08.11.2015 and is no longer keen to proceed with the subject FIR and the proceedings arising therefrom.

4. In the circumstances, since no useful purpose will be served by proceeding with the subject FIR on account of the parties having settled their disputes finally, the subject FIR No.161/2015, under Sections 498A/406/34 IPC, registered at Police Station- Geeta Colony, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners.

5. The writ petition is disposed of accordingly.

SIDDHARTH MRIDUL, J

NOVEMBER 30, 2015

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