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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 23.12.2015

W.P.(CRL) 3085/2015

CHETAN ARORA & ANR

..... Petitioners

Through: Mr. Amulya Dhingra, Advocate

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Ms. Kamna Vohra, ASC (Criminal)
with SI Alok Kumar, PS- Sarai
Rohilla for R-1
Mr. Vinay Kumar Bhasin, Advocate
for R-2

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.18915/2015 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 3085/2015

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.905/2014, under Sections 498A/406/34 IPC,

registered at Police Station- Sarai Rohilla and the proceedings arising therefrom.

2. The facts in brief are that on 11.06.2011 the petitioner No.1 married respondent No.2 according to Hindu customs and ceremonies in Delhi. No child was born out of the said wedlock. Owing to ideological and temperamental differences the parties to the marriage have been living separately since 13.10.2013. On a complaint filed by the respondent No.2 (wife) against her husband (petitioner No.1) and his mother, the subject FIR was registered.

3. Eventually better sense prevailed and the parties decided to settle all their matrimonial disputes with the assistance of Delhi Mediation Centre, Tis Hazari Courts, Delhi. The settlement agreement dated 16.04.2015 is annexed to this petition as Annexure P-3. The salient terms and conditions of the said settlement agreement dated 16.04.2015 are as follows:-

- “1) It is mutually settled between the parties that petitioner and respondent No.1 shall dissolve their marriage by decree of divorce by mutual consent without leveling allegations and counter-allegations against each other in accordance with law before the Court of competent jurisdiction.
- 2) It is settled that Sh. Chetan Arora, respondent No.1 shall pay Rs.20,00,000/- (Rupees Twenty Lakhs only) along with the

articles as per the admitted list by both the parties to the petitioner, as full and final settlement of the petitioner including all claims of the petitioner past, present and future arising out of the marriage with accused which shall include permanent alimony, maintenance and all other miscellaneous expenses.

3) The settled amount of Rs.20,00,000/- shall be paid in four installments by respondent No.1 to the petitioner as follows:-

- i) First installment of Rs.1,00,000/- shall be paid today itself by way of cheque bearing No.000664 dated 16.04.2015 drawn on Oriental Bank of Commerce, Vishal Enclave, Najafgarh Road, Delhi.
- ii) Second installment of Rs.9,00,000/- shall be paid at the time of recording statements in First Motion Petition U/s 13(B)(1) of Hindu Marriage Act which shall be filed afresh by the parties jointly on or before 15.05.2015.
- iii) Third installment of Rs.5,00,000/- at the time of recording statements in Second Motion Petition U/s 13(B)(2) of Hindu Marriage Act which shall be filed by the parties jointly within one month after the expiry of stipulated period of six months.
- iv) Fourth installment of Rs.5,00,000/- shall be paid at the time of recording statements in petition for quashing of FIR No.905/14 PS: Sarai Rohilla, U/s 406/498A/34 IPC State vs. Chetan Arora & Ors., which shall be moved

forthwith before the Hon'ble High Court of Delhi within one month after Second Motion. The petitioner shall cooperate in quashing of the said FIR.

4. It is agreed that the petitioner shall withdraw the present petition u/s 12 of D.V. Act from the referral court on or before 15.05.2015 and at that time the respondent No.1 shall return the articles as per the admitted list by both the parties, annexed herewith as 'Annexure-A'.
5. It is settled that the respondent No.1 Chetan Arora shall withdraw the divorce petition titled as Chetan Arora vs. Sakshi Bhalla and petitioner Sakshi Bhalla shall withdraw petition u/s 18 of HMA, 1956 titled as Sakshi Bhalla vs. Chetan Arora, both pending in the Court of Sh. Dilbag Singh Punia, Judge, Family Court, Tis Hazxari Courts, Delhi on or before 15.05.2015.
6. It is settled that there shall remain no case/claim/dispute due between the parties after compliance of the terms of the present settlement and that none of the parties shall file any civil or criminal proceedings against each other in future and that if any other case/petition/complaint etc. between the parties is pending in any Court or Authority either against the parties or against their respective family members and whether it is in the knowledge of other party or not, the same shall be withdrawn/got disposed of by the respective party.
7. The parties entered into the present Settlement/Agreement out of their own free will and consent, without any fear, coercion

or undue influence from any corner, whatsoever.

8. The parties shall be bound by this settlement and shall co-operate to execute this settlement in every possible manner, whatsoever.”

4. In a nutshell it has been agreed by and between the parties that Anuj Jain shall pay a sum of Rs.20,00,000/- to Sakshi Bhalla as full and final settlement against stridhan, dowry articles, present, past, future maintenance and permanent alimony etc. In pursuance to the aforesaid settlement, a sum of Rs.15,00,000/- has already been received by the complainant. The balance sum of Rs.5,00,000/- has been brought to the Court in the shape of a Demand Draft bearing No.914640 dated 16.12.2015 drawn on Kotak Mahindra Bank, Lower Parel, Mumbai, Delhi. The same is handed over to the complainant in Court today who acknowledges receipt thereof subject to its realization.

5. Sakshi Bhalla, respondent No.2/complainant, who is present in Court and has been duly identified by IO SI Alok Kumar, Police Station- Sarai Rohilla, 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.

6. 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.

7. Consequently, FIR No.905/2014, under Sections 498A/406/34 IPC, registered at Police Station- Sarai Rohilla and the proceedings arising therefrom are hereby set aside and quashed *qua* both the petitioners subject to their depositing a sum of Rs.10,000/- each with the Delhi High Court Legal Services Committee within a period of two weeks from today. The receipt of the said deposit shall be furnished to the concerned IO.

8. The writ petition is disposed of accordingly.

SIDDHARTH MRIDUL, J

DECEMBER 23, 2015

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