

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 11.01.2016

W.P.(CRL) 62/2016 & CRL.M.A. 390/2016

MAYUR BEDI

..... Petitioner

Through: Ms Minal Sehgal, Advocate.

versus

STATE OF DELHI & ANR

..... Respondents

Through: Mr R.S.Kundu, Addl. Standing Counsel
(Crl.) with Mr Ankit Kr. Gulia and
Mr Vishesh Wadhwa, Advocates.
SI Abhijeet Singh, Advocates.

Mr Arjun Sanjay, Advocate for
respondent No.2/complainant.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J. (ORAL)

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 seeking quashing of FIR No.266/2015 under Sections 498A/406/34 IPC registered at Police Station- Krishna Nagar, Delhi.
2. The petitioner-husband and the complainant-wife (respondent No.2) were married according to Hindu rites, customs and ceremonies on 24.01.2014. The

complainant-wife left the matrimonial home on 25.05.2014. The complaint filed on behalf of the complainant-wife contained grave allegations against her husband, the petitioner herein. Two FIRs came to be registered against the petitioner-husband as a consequence of the allegations levelled against him by his complainant-wife.

3. This court by way of order dated 23.09.2015 in Bail Appln. 2021/2014 recorded as follows:-

“Gold articles/other misc. articles have since been returned to the complainant. Parties are present in person. They have arrived at a settlement. It has been agreed that the parties will go for divorce by mutual consent and the petitioner will a sum of Rs.15 lacs to the complainant in full and final settlement of all her claims. It has been agreed that the present FIR i.e. FIR No. 508/2014 registered under Section 377/376/328/354-A of the IPC shall stand quashed and another FIR i.e. FIR No. 580/2015 registered on the complaint of the complainant under Section 498-A of the IPC shall also stand quashed. It has been agreed that the sum of Rs.15 lacs shall be segregated in four difference phases. The first payment of Rs.4 lacs shall be paid by the petitioner to the complainant at the time of recording of first motion between the parties under Section 13 (b)(1) of the HMA for which a joint petition shall be filed by the parties within 10 days from today. Thereafter, after a statutory period of 6 months, the second motion petition shall be filed for grant of decree of divorce (by mutual consent) and at that time, the second instalment of Rs.3 lacs has been agreed to be paid by the petitioner to the complainant. The third instalment of Rs.4 lacs

shall be paid when the present FIR i.e. FIR No.508/2014 will be quashed for which also a joint petition shall be filed by the parties for which also parties will take appropriate action within an outer limit of three weeks. The documentary evidence which has been collected by the prosecution/Investigating Officer shall be handed over to the complainant as also to the petitioner (accordingly what belongs to each party) at the time when this FIR stands quashed. The second FIR which is FIR No. 580/2015 registered under Section 498-A of the IPC will also be quashed within the same time line on the joint petition to be filed by the parties at which point of time a sum of Rs.4 lacs shall be paid by the petitioner to the complainant. The petitioner undertakes to honour his commitment. Needless to state that if these commitments are not honoured, either party will be at liberty to get the petition revived.

Accordingly, the order dated 10.09.2014 is made absolute. In the event of arrest, the petitioner be admitted to bail on his furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned Investigating Officer.”

4. The complainant-wife who is present in person in court today and has been identified by the IO in the subject, SI Abhijeet Singh, PS- Krishna Nagar, as well as her counsel Mr Arjun Sanjay, Advocate, states that pursuance to the order passed by this court on 23.09.2015 a sum of Rs.4 lac has already been received by her at the time of recording of the first motion between the parties under Section 13-B(1) of the Hindu Marriage Act, 1955 (in short ‘HMA’).

5. A sum of Rs.4 lac has been brought to court on behalf of the petitioner-husband in the shape of a demand draft bearing No.079619 dated 21.11.2015 drawn on Indian Overseas Bank, Krishna Nagar, Delhi and handed over to the complainant-wife in court today. The complainant-wife acknowledges receipt thereof subject to encashment.

6. The petitioner-husband, who appears in person states that the balance amount of Rs.7 lac shall be paid as follows:-

(i) Rs.3 lac shall be paid at the time of the recording of the second motion between the parties under Section 13-B(2) of the HMA, which shall be filed on or before 15.04.2016, and;

(ii) the remaining amount of Rs.4 lac shall be paid simultaneously with the recording of the complainant-wife's testimony before the trial court in FIR No.508/2014 registered under Section 377/376/328/354-A IPC.

7. The undertaking made on behalf of the petitioner, who appears in person, is accepted. An affidavit to this effect shall be filed within a period of two days from today before this court.

8. In view of the foregoing, the complainant-wife states that subject to the petitioner complying with the above undertaking she has no objection if the present FIR is set aside and quashed.

9. In view of the statement made on behalf of the complainant-wife as well

as the facts and circumstances afore-stated, the present FIR No.266/2015 under Sections 498A/406/34 IPC registered at Police Station- Krishna Nagar, Delhi, is set aside and quashed qua the petitioner subject to his complying with the undertaking as recorded hereinabove and further subject to his depositing a sum of Rs.10,000/- with the Victims' Compensation Fund, Govt. 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.

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

11. A copy of this order be given *dasti* under signature of Court Master to counsel for the parties.

SIDDHARTH MRIDUL, J

JANUARY 11, 2016

mk