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

Date of decision: 13th January, 2016

+ W.P.(CRL) 110/2016

ANAND KUMAR VERMA & ORS Petitioners

Through Mr. Sumit Choudhary, Advocate

versus

THE STATE (NCT OF DELHI) & ANR Respondents

**Through Mr. Sanjay Lao, Addl. Standing
Counsel (Crl.)**

SI Ranvir Singh, P.S. Najafgarh

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. 372/2012 under Sections 406/498A/34 IPC registered at Police Station- Najafgarh, Delhi and the proceedings arising therefrom.

2. The facts in brief are that the petitioner no. 1 (husband) and respondent No.2/complainant (wife) were married to each other according to Hindu rites and customs on 29th March, 2011. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since 11th April, 2011. No child has been born out of the said wedlock. On a complaint instituted by respondent no.2 (wife), the subject FIR was registered against the petitioner no. 1 (husband) and his family members.

3. Apart from the subject FIR, the following proceedings were instituted by the parties against each other:-

“i. FIR No. 372/2012, registered at P.S. Najafgarh, under Section 498A/406/34 IPC registered on the complaining statement of the first party pending in the court of Ms. Manu Goel Kharb, Ld. MM, Dwarka Courts, New Delhi and the same is fixed for 21.05.2015. That during the bail proceedings the second party had paid a sum of Rs. 5 lacs to the first party.

ii. FIR No. 1027/2014, registered at P.S. Saraswati Vihar/Subhash Place, under section 377/509/34 IPC registered on the complaining statement of the first party pending in investigation.

iii. Complaint Case u/s 200 Cr.PC. for offences under section 323/506/34 IPC filed by the second Party against the First Party and her family members, in which the first party and her mother and father have been summoned and now the

same is pending before the Hon'ble Court of Ms. Ruchika Singhla, Ld. MM, Dwarka Court, New Delhi.

iv. FIR No. 33/2014, registered at P.S. Saraswati Vihar/Subhash Place, under section 354/509/506 IPC registered on the complaining statement of the sister of the second party pending in the Hon'ble Court of Ms. Shefali Barnala Tandon, Ld. MM, Rohini Courts, Delhi; and now the same is fixed for 24.08.2015.

v. Divorce case u/s 13(1)(ia)(d) of HMA fixed by the second party against the first party and the same is pending before the Hon'ble Court of Ms. Bimla Kumari, Ld. Judge, Family Court, Rohini Courts, Delhi; and the same is fixed for 20/07/2015.

vi. Maintenance case u/s 125 Cr.P.C filed by the first party against the second party and the same is pending before the Hon'ble Court of Ms. Bimla Kumari, Ld. Judge, Family Court, Rohini Courts, Delhi; and the same is fixed for 20/07/2015.”

4. Counsel for the parties state that with the intervention of elders in the family and friends, the parties to the union have arrived at an amicable resolution of their outstanding marital disputes which has culminated into a Compromise Deed dated 19th May, 2015. The salient terms and conditions of the afore-stated settlement are as follows:-

“1. That it is agreed between the parties that the marriage should be dissolved by way of mutual consent by filing the divorce petition on or before 30.05.2015 and the second motion shall be filed within 15 days after the expiry of statutory period of 6 months.

2. That it is agreed between both the parties that the first party shall co-operate in quashing of FIR No. 1027/2014 and FIR No. 372/2012, after the date of order of the first motion petition and the second party will also cooperate in getting FIR No. 33/2014 quashed before the Hon'ble High Court.

3. That the second party had already paid an amount of Rs. 4.25 lacs in cash to the first party and the second party will not object the bail application of the second party in FIR No. 1027/2014, registered u/S 377/509/34 IPC, P.S. Saraswati Vihar.

4. That the second party will pay a sum of Rs. 4.25 lacs to the first party at the time of recording of the statement at the first motion u/s 13(B)(1) HMA which is to be filed by the second party on or before 30th May, 2015.

5. That the second party will further pay a sum of Rs. 4.25 lacs to the first party at the time of recording of the statement at the second motion u/s 13(B)(2) HMA which is to be filed by the second party on or before 15.12.2015.

6. That the second party will pay a sum of Rs. 4.25 lacs to the first party at the time of recording of statement of first party in quashing of FIR bearing no. 372/2012, registered at P.S. Najafgarh, and FIR bearing no. 1027/2014, registered at P.S. Saraswati Vihar, in the Hon'ble High Court of Delhi.

7. That both the parties will not raise any claim against each other before any court of law with regard to their marriage and subsequent proceedings thereupon and will not file any case, litigation, claim and complaint against each other in future.

8. That the first party shall undertake that she will not object the application filed u/s 205 Cr.PC. by the mother and father of the second party which is pending before the Hon'ble Court of Ms. Manu Goel Kharb, Ld. MM, Dwarka Courts, New Delhi and the same is fixed for 21.05.2015.

9. That if any party fails to cooperate with each other in obtaining divorce by mutual consent or backtrack from any of the condition mentioned herein, then the first party shall return the entire amount as received by her from time to time.

10. That both the parties further undertake to live their lives peacefully without interfering in the life of each other as the present compromise is for the betterment of their future.

11. That both the parties undertake not to file any complaint/suit/petition against each other before any authority under any provisions of law. If any party filed/files any case, litigation, complaint against each other then the same would be withdrawn.

12. That the abovesaid settlement between the parties is without any force, coercion, fraud, undue influence.”

5. In a nutshell, it has been agreed by and between the parties to the union that respondent no. 2 (wife) shall be paid a sum of Rs. 17 lakhs in full and final settlement towards all her claims *vis. a vis.* permanent alimony, stridhan, maintenance past, present and future etc. against the petitioners.

6. Counsel for the parties further state that pursuant to the said settlement between the parties, the entire sum of Rs. 17 lakhs has been received by respondent no.2 (wife). The said position is not refuted by the complainant (wife).

7. In the present case, it is observed that pursuant to the settlement arrived at between the parties to the union, a decree of divorce by mutual consent dated 4th January, 2016 has already been obtained by the parties from the concerned Family Court.

8. Respondent No.2/complainant (wife), who is present in Court and has been identified by the Investigating Officer i.e. SI Ranvir Singh, Police Station- Najafgarh, Delhi, states that in pursuance to the settlement arrived at between the parties to the union, she is no longer keen to proceed with the subject FIR and the proceedings emanating therefrom.

9. Since the dispute between the parties which arose out of a matrimonial discord between petitioner no. 1 and respondent no. 2 and resulted in the registration of the subject FIR, has been settled amicably by way of a Compromise Deed dated 19th May, 2015 without any undue influence, pressure or coercion; as the parties have obtained decree of divorce by mutual consent; and since the settlement between the parties is lawful, no

useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

10. Resultantly, the FIR No. 372/2012 under Sections 406/498A/34 IPC registered at Police Station- Najafgarh, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners subject to each of the petitioners depositing a sum of Rs. 5,000/- each with the Victims' Compensation Fund within a period of two weeks from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

11. With the above said directions, the writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

JANUARY 13, 2016
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