

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 19th January, 2016

W.P.(CRL) 172/2016 & CRL.M.A. 933/2016

RAJESH SHAHI

..... Petitioner

Through: Mr P.C. Jha, Advocate.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr Rajesh Mahajan, Addl. Standing
Counsel (Crl.).

SI Dinesh Kumar, PS- Ranholla.

Mr Mohit Rajput, Advocate for R-2.

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.278/2014 under Sections 406/498A/34 IPC registered at Police Station- Ranholla, Delhi and the proceedings arising therefrom.

2. The facts in brief are that the petitioner (husband) and respondent No.2/complainant (wife) were married to each other according to Hindu rites and customs on 23.02.2006. One female child, namely, Manya has been born out of the said wedlock, who is in the care and custody of the respondent No.2. Due to temperamental and ideological differences between the parties to the marriage, they started living separately since 02.04.2013. On a complaint instituted by respondent no.2 (wife), the subject FIR was registered against the petitioner.

3. Counsel for the parties state that the outstanding matrimonial dispute between the parties to the union has been settled amicably before the Counseling Cell, Tis Hazari Courts, Delhi on vide settlement dated 13.05.2015. The salient terms of the said settlement dated 13.05.2015, as born out from the joint statement of the parties dated 26.11.2015 recorded before the Principal Judge, Family Courts, Tis Hazari, Courts, Delhi, are as follows:-

“4. We have amicably resolved all our disputes pertaining to this marriage including istridhan, permanent alimony, dowry articles and maintenance (present, past & future) as per Settlement in Counselling Cell, dt. 13.05.2015 before the Principal Counsellor Ms. Himali Anand at THC, Delhi, Mark- B for a sum of Rs.3,00,000/- towards full and final

settlement. Out of the said settlement amount, first installment of Rs.1,00,000/- has already been paid by the petitioner No.1 to the petitioner No.2 at the time of recording of statement in First Motion Petition. As per settlement, second installment of Rs.1,00,000/- is paid today by the petitioner No.1 to the petitioner No.2 by way of bankers cheque bearing No.219581, dt. 26.11.2015, drawn on Punjab National Bank, Branch Yamuna Vihar, Delhi which is Ex.-2A. Third and final installment of Rs.1,00,000/- shall be paid by the petitioner NO.1 to the petitioner No.2 at the time of quashing of FIR bearing No.278/2014 u/s 406/498A/34, PS: Ranhola, New Delhi.”

4. 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. 3 lakhs towards all her claims *vis. a vis.* permanent alimony, stridhan, dowry articles, maintenance past, present and future etc. against the petitioners.

5. Counsel for the parties further state that pursuant to the said settlement between the parties to the union, a sum of Rs. 2 lakhs has already been received by respondent no.2 (wife). The balance sum of Rs. 1 lakh has been brought to the Court in the shape of a cheque bearing No.219582 dated 15.01.2016 drawn on Punjab National Bank, Yamuna Vihar, Delhi, in favour of respondent no. 2(wife) herein. The respondent No.2 acknowledges receipt thereof subject to its encashment.

6. 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 26.11.2015 has already been obtained by the parties from the concerned Family Court, Tis Hazari, Delhi.

7. Respondent No.2/complainant (wife), who is present in Court and has been identified by the Investigating Officer i.e. SI Dinesh Kumar, Police Station- Ranhola, 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.

8. Since the dispute between the parties which arose out of a matrimonial discord between the petitioner and respondent no. 2 and resulted in the registration of the subject FIR, has been settled amicably before the Counselling Cell, Tis Hazari Courts, by way of a settlement dated 13.05.2015 without any undue influence, pressure or coercion; as the parties have obtained decree of divorce by mutual consent on 26.11.2015; and the settlement between the parties is lawful, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

9. Resultantly, the FIR No.278/2014 under Sections 406/498A/34 IPC registered at Police Station- Ranhola, Delhi and the proceedings arising

therefrom are hereby set aside and quashed qua the petitioner subject to his depositing a sum of Rs.10,000/- 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.

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

JANUARY 19, 2016
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SIDDHARTH MRIDUL, J

