

#24

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 12.02.2016

W.P.(CRL) 457/2016

MAHESH KUMAR SHARMA

..... Petitioner

Through: Mr. D.K. Sharma, Advocate

versus

STATE & ANR

..... Respondents

Through: Mr. R.S. Kundu, Additional Standing Counsel (Criminal) with Mr. Vishesh Wadhwa, Advocate and ASI Hawa Singh, PS- Nihal Vihar

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.2480/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 457/2016

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.0325/2015, under Sections 498A/406/34 IPC,

registered at Police Station- Nihal Vihar, Delhi and the proceedings arising therefrom.

2. The facts in brief are that on 01.02.2013 Mahesh Kumar Sharma (the petitioner herein) married Archana Sharma (respondent No.2) according to Hindu rites and ceremonies in Delhi. One male child, namely, Ishan was born out of the said wedlock on 27.02.2014, who is in the care and custody of Archana Sharma. Owing to ideological and temperamental differences the parties to the marriage have been living separately since 18.04.2016. On a complaint filed by Archana Sharma against Mahesh Kumar Sharma, the subject FIR was registered.

3. Eventually better sense prevailed and the parties decided to settle all their matrimonial disputes with the assistance of respectable persons of the society.

4. In a nutshell it has been agreed by and between the parties that Mahesh Kumar Sharma shall pay a sum of Rs.4,50,000/- (Rupees Four Lacs Fifty Thousand Only) to Archana Sharma 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.3,00,000/- has already been received by the Archana Sharma. The balance sum of

Rs.1,50,000/- (Rupees One Lac Fifty Thousand Only) has been brought to the Court in the shape of a Demand Draft bearing No.050305 dated 05.02.2016 drawn on Punjab National Bank, Patparganj, Delhi. The same is handed over to Archana Sharma in Court today who acknowledges receipt thereof subject to its realization.

5. Archana Sharma, respondent No.2/complainant, who is present in Court and has been duly identified by IO ASI Hawa Singh, Police Station- Nihal Vihar, 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.0325/2015, under Sections 498A/406/34 IPC, registered at Police Station- Nihal Vihar, Delhi and the proceedings arising therefrom are hereby set aside and quashed the petitioner subject to his depositing a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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

FEBRUARY 12, 2016

dn

