

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 22nd February, 2016

W.P.(CRL) 560/2016 & CRL.M.A. 3149-3150/2016

NITISH SINGHAL & ORS

..... Petitioners

Through: Mr Nishant Kr. Srivastava, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr Amrit Singh, Advocate for
Mr Rahul Mehra, Standing Counsel
(Crl.).

ASI Janardan Singh, PS- Kotla
Mubarakpur.

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.268/2013 under Sections 406/498A/34 IPC registered at

Police Station- Kotla Mubarakpur, 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 16.08.2012. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since 22.04.2013. 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. Counsel for the parties state that with the intervention of the family members and relatives the outstanding matrimonial dispute between the parties to the union has been settled amicably by way of a Settlement Deed dated 24.01.2015. The salient terms and conditions of the afore-stated settlement are as follows:-

“1.That it is agreed between the parties that after signing this settlement deed/MOU both the parties shall file jointly mutual divorce petition for first motion U/s 13(B)(1) of HMA within 10 working days before the concerned court.

2. That after expiry of stipulated period of six months from order of first motion both the parties shall file second motion under section 13(b)(II) of H.M.A. 1955 in the concerned court without any delay and demand by either of the parties and both the parties shall appear and give their statements for second motion before the concerned court on the date of hearing.

3. That it further agreed between the parties that first party shall file quashing petition of FIR No.268/13 dated 30-09-2013 U/s 498-A/406/34 IPC, P.S.: Kotla Mubarakpur, New Delhi which is against the First Party and his other family members, before Hon'ble High Court of Delhi, at New Delhi after getting decree of divorce from concerned court within 15 working days.

4. That both the parties undertake not to file any legal (civil, criminal etc.) or quasi legal action or claim in any form whatsoever against each other or their family members, relatives and friends except the petition for decree of divorce and both the parties shall withdraw their all cases/complaints filed against each other, if any, in any court of law/authorities after signing this settlement deed/agreement within 15 working days.

5. That both the parties have settled their claim whatsoever against each other. After this nothing will remain due on this account against each other or their family members and thereafter, the second party and their parents shall not claim any articles/jewelry/Istridhan etc. and nothing will remain due on this account against each other and everything has been settled between them in full and final.

6. That the first party and second party have relinquished their respective right of maintenance qua each other and

therefore, in terms of the compromise arrived at between the parties to the present agreement, the parties shall have no claim against each other on respect of their part, present and future maintenance including permanent alimony.

7. That the first party and second party have given their consent out of their free will and violation, without any force fraud and undue influence.

8. That both the parties have firmly agreed and undertakes to each other that after signing this settlement deed/MOU shall not visit or enter into the house/property of each other.”

4. 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 02.11.2015 has already been obtained by the parties from the concerned Family Court, Saket , Delhi.

5. Respondent No.2/complainant (wife), who is present in Court and has been identified by the Investigating Officer i.e. ASI Janardan Singh, Police Station- Kotla Mubarakpur, 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.

6. 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 the Settlement Deed dated 24.01.2015 without any undue influence, pressure or coercion; as the parties have obtained decree of divorce by mutual consent on 02.11.2015; 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.

7. Resultantly, FIR No.268/2013 under Sections 406/498A/34 IPC registered at Police Station- Kotla Mubarakpur, Delhi, and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners subject to each of them depositing a sum of Rs.10,000/- with the Delhi High Court Legal Services Committee within a period of three weeks from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

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

SIDDHARTH MRIDUL, J

FEBRUARY 22, 2016

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