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

Date of Decision: 11th March, 2016

+ **W.P.(CRL) 802/2016 and Crl. MA No. 4416/2016**

PANKAJ KHANNA & ORS Petitioner
Through Mr. I.P. Singh Sirohi, Advocate along
with petitioners

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondents
Through Ms. Kamna Vohra, ASC (Crl.)
Insp. Virender Singh, PS Shahdara
Mr. A.K. Tiwari, Adv. for the
Resp. No. 2/complainant along with
Resp. No. 2/Complainant

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J. (ORAL)

CRL.M.A. No. 4416/2016 (Exemption)

1. Exemptions allowed subject to all just exceptions.
2. The application stands disposed of.

W.P. (CRL.) 802/2016

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 seeking quashing of FIR No. 74/2014 under Sections 406/498A/34 IPC registered at Police Station- Shahdara, 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 8th February, 2013. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since 27th May, 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 aid and assistance of Delhi Mediation Centre, Karkardooma Courts, Delhi, the outstanding matrimonial dispute between the parties to the union has been settled amicably as reflected in the order dated 21st April, 2014. The salient terms and conditions of the settlement as enshrined in the order dated 21st April, 2014 are as follows:-

“2. It has been agreed between the parties that the respondent/husband shall pay Rs. 3,50,000/- (Rs. Three Lacs Fifty Thousand only) to the complainant against all her claims pertaining to this marriage including stridhan, maintenance (present, past or future), dowry articles, permanent alimony etc.

3. It has been further agreed between the parties that the abovesaid payment shall be made by the respondent/husband to the complainant by way of cash/DD in the court concerned as per the following manner:-

(i) Rs. 75000/- (Rs. Seventy Five Thousand only) shall be payable by the respondent/husband to the complainant/wife at the time of bail on 24.04.2014.

(ii) Rs. 75000/- (Rs. Seventy Five Thousand only) shall be payable by the respondent/husband to the complainant/wife at the time of recording statement of the parties in the first motion petition, which shall be filed by the respondent on or before 10.07.2014.

(iii) Rs. 1,00,000/- (Rs. One Lac only) shall be payable by the respondent/husband to the complainant/wife at the time of recording statement of the parties in the second motion petition, which shall be filed within 15 days after the expiry of stipulated period of six months/as per law.

(iv) Rs. 1,00,000/- (Rs. One Lac only) shall be payable by the respondent/husband to the complainant/wife at the time of quashing of the above said FIR before the Hon'ble High Court of Delhi and the said petition shall be filed within 15 days after passing decree of divorce. It is further agreed between the parties that the complainant shall cooperate with the respondents in Hon'ble High Court for getting the abovesaid FIR quashed as well as for getting divorce as per law."

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

5. Counsel for the parties further state that pursuant to the said settlement before the Delhi Mediation Centre, Karkardooma Courts, Delhi, the entire sum of Rs. 3.50 lakhs has been received by respondent no.2 (wife). The latter acknowledges receipt thereof.

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

21st August, 2015 has already been obtained by the parties from the concerned Family Court, Karkardooma Courts, Delhi.

7. Ms. Minni Sharma, respondent No.2/complainant (wife), who is present in Court and has been identified by the Investigating Officer i.e. Insp. Virender Singh, Police Station- Shahdara, 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 petitioner no. 1 and respondent no. 2 and resulted in the registration of the subject FIR, has been settled amicably before the Delhi Mediation Centre, Karkardooma Courts, Delhi 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.

9. Resultantly, the FIR No. 74/2014 under Sections 406/498A/34 IPC registered at Police Station- Shahdara, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners subject to their depositing a sum of Rs. 20,000/- in aggregate with the Victims' Compensation Fund within a period of four weeks from today. A copy of the receipt thereof be provided to the Investigating Officer in the subject FIR.

10. It is also observed that as a consequence of the settlement arrived at by and between the parties to the marriage, a quietus will be applied to the following cases, in addition to the disposal of the present writ petition:-

- (i) A case filed by the respondent no.2/complainant (wife) under Section 125 Cr.P.C. against the petitioners, pending in the Court of Sh. Pradeep Chaddha, Principal Judge, Family Court, Karkardooma Courts, Delhi;
- (ii) a case filed by the respondent no.2/complainant (wife) under Section 12 of Domestic Violence Act against the petitioners, pending in the Court of Ms. Ritu Singh, Ld. MM, Karkardooma Courts, Delhi; and
- (iii) a case filed by the petitioner no. 1 (husband) against the respondent no.2/complainant (wife) under Section 9 of Hindu Marriage Act.

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

SIDDHARTH MRIDUL, J

MARCH 11, 2016
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