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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 22.03.2016

W.P.(CRL) 935/2016

KAPIL CHAWLA & ORS. ..... Petitioners

Through: Mr. Ravin Rao, Advocate with Mr. Prannoy Khurana, Advocate

versus

STATE & ANR. ..... Respondents

Through: Mr. Sanjay Lao, ASC (Criminal) with SI Lokesh Singh, PS- Bharat Nagar for R-1
Respondent No.2 in person

CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.5078/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 935/2016

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.712/2014, under Sections 498A/406/34 IPC, registered at Police Station- Bharat Nagar, Delhi and the proceedings arising therefrom.

2. The facts in brief are that on 24.11.2012 the petitioner No.1 married respondent No.2 according to Hindu customs, rites and ceremonies in Delhi. No child was born out of the said wedlock. Owing to ideological and temperamental differences the parties to the marriage have been living separately since 29.03.2013. On a complaint filed by the respondent No.2 (wife) against her husband (petitioner No.1) and his family members, the subject FIR was registered.

3. Eventually, better sense prevailed and the parties have decided to settle all their matrimonial disputes with the assistance of Delhi Mediation Centre, Rohini District Courts, Delhi. The settlement agreement dated 29.06.2015 is annexed to this petition as Annexure B. The salient terms and conditions of the said settlement agreement dated 29.06.2015 are as follows:-

> "1) The parties shall get dissolved their marriage by a decree of divorce by mutual consent without leveling allegations and counter-allegations against each other in accordance with law before the Court of competent jurisdiction at Delhi.
> 2) Respondent/husband shall pay a total sum of Rs.3,60,000/- (Rupees Three Lac Sixty

Thousand Only) to the complainant/wife towards her full and final satisfaction qua all her claims past, present and future arising out of the marriage which shall include permanent alimony, Istridhan, dowry articles, maintenance and all other claims including miscellaneous expenses.

3) The settlement amount of Rs.3,60,000/- (Rupees Three Lac Sixty Thousand Only) shall be paid by the respondent to the complainant in three installments, as follows:-

   i) First installment of Rs.1,00,000/- (Rupees One Lac Only) at the time of withdrawal of complaint case before CAW Cell, PS Mangol Puri, Dlehi. In case, FIR is registered in the complaint case, the amount shall be paid at the time of quashing of FIR before the Hon'ble High Court of Delhi and the wife shall cooperate in quashing petition.

   ii) Second installment of Rs.60,000/- (Rupees Sixty Thousand Only) in cash/DD at the time of recording statements in First Motion Petition u/s 13B(1) of Hindu Marriage Act which shall be filed by the parties jointly on or before second week of July.

   iii) Third installment of Rs.2,00,000/- (Rupees Two Lac Only) in cash/DD at the time of recording statements in Second Motion Petition U/s 13B(2) of Hindu Marriage Act, 1955 which shall be filed by the parties jointly within 15 days after expiry of stipulated period of six months.

4) If at any future stage any party is in possession of any document(s), article(s), photograph(s) or any other thing which is personal to the other party, the said party may return the same to the

entitled party or will destroy the same. In no case, any of the parties will use or misuse personal things, articles, documents, photographs, etc. of the other party at any time.

5) Both the parties shall not interfere in the life of each other in future.

6) In terms of the present settlement, the complainant shall withdraw the present case from the ld. Referral Court on the next date of hearing i.e. 30.09.2015.

7) In case of failure of the present settlement, the wife shall return the amount to the husband already received.

8) After compliance of terms of the present settlement, there shall remain no case/dispute between the parties qua the marriage of the complainant and respondent and that none of the parties shall file any civil or criminal proceedings against each other in future qua the same and that if any other case/petition/complaint etc. between the parties is pending in any Court or Authority, the same shall be withdrawn/got disposed of by the respective party.

The parties entered into the present settlement/agreement voluntarily, without any fear, coercion or undue influence from any corner, whatsoever. The parties shall be bound by this settlement and shall co-operate to execute this settlement in every possible manner, whatsoever."

4. In a nutshell it has been agreed by and between the parties that Kapil Chawla shall pay a sum of Rs.3,60,000/- to Kanchan as full and final settlement against stridhan, dowry articles, present, past, future maintenance

and permanent alimony etc. In pursuance to the aforesaid settlement, the entire sum of Rs.3,60,000/- has already been received by the complainant.

5. Kanchan, respondent No.2/complainant, who is present in Court and has been duly identified by IO SI Lokesh Singh, Police Station- Bharat Nagar, 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.712/2014, under Sections 498A/406/34 IPC, registered at Police Station- Bharat Nagar, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* all the petitioners subject to their depositing a sum of Rs.10,000/- (Rupees Ten Thousand Only) in aggregate with the Victims' Compensation Fund, Government of NCT of Delhi 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 allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

MARCH 22, 2016
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