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

+ W.P.(CRL) 959/2016 and CrI. M.A. Nos.5161-5163/2016

GULSHAN RALHAN & ORS

..... Petitioners

Through: Mr. Deepak, Advocate along with
petitioners in person.

versus

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

Through: Mr. R.S. Kundu, ASC along with SI
Raj Kumar, CAW Cell, for the State.
Mr. Vikas Aggarwal & Mr. Karan
Arora, Advocates for and along with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

09.08.2016

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1. I have heard learned counsel as well as the parties, who are present in Court for some length.

2. The petitioner and respondent No.2 got married. The said marriage is liable to be declared null and void in view of the fact that they are within the prohibited degree of relationship. Both the parties are Hindus. On account of disputes between them, on the complaint of respondent No.2, FIR No.145/2014 under Section 498A/ 34 IPC came to be registered at Police Station – Pandav Nagar, Delhi. The parties have eventually settled their disputes in mediation vide settlement agreement dated 15.01.2015. There

are some issues raised by the respondent No.2 with regard to the settlement not being adhered to in letter and spirit.

3. Learned counsel for the complainant, firstly, submits that she has not been able to meet the girl child, who is in custody of the petitioner, as the petitioner is not producing the child at the Family Courts, Vishwas Nagar as per the schedule fixed in clause 2 of the settlement agreement.

4. Her further grievance is that the parties have agreed that they shall not defame, humiliate, insult and/ or tarnish the image of each other before any of the family members or before any other person. The complainant claims that the petitioner continues to do so. The petitioner obviously denies these allegations. In any event, he assures and undertakes not to indulge in such conduct in future as well.

5. So far as the visitation rights of the respondent No.2/ complainant and her son are concerned, it is agreed that she and her son Girnnar may meet the girl child in the school hostel where she is presently residing. The same shall, obviously, be as per the rules of the school. However, the petitioner shall have no objection to the respondent No.2 and Girnaar visiting the school to meet the girl child. It is informed that the girl child is admitted to the Girls Hostel at Fr. Agnel School, Sector-62, Noida. The petitioner shall send a communication to the Principal of the said school informing the Principal that the respondent No.2 – the mother of the girl child Reba and Girnaar, shall be entitled to meet the said child as per the visitation rules of the said school.

6. Parties have also agreed that both the children shall be taken to

Family Courts, Vishwas Nagar at 11:00 a.m. on the fourth Saturday of every month. The petitioner shall bear the taxi charges to enable the respondent No.2 to bring the male child to the Family Courts, Vishwas Nagar and to take him back to her residence. Both parties shall mark their, and the attendance of the children at the Family Courts.

7. Respondent No.2 states that she shall sign the petition under Section 11 of the Hindu Marriage Act within the next two days, and the same shall be filed before the Family Courts within one week thereafter.

8. Learned counsel for the petitioner submits that in terms of clause 11 of the settlement agreement, an application for withdrawal of the appeal before the Deputy Commissioner (East District), Shastri Nagar, Delhi has already been filed. The date given by the District Magistrate (East) vide order dated 05.07.2015 was 21.07.2016. However, on the said date, the Presiding Officer was on leave. Learned counsel for the petitioner states that no communication has been received with regard to the fixation of the fresh date from the District Magistrate (East). The petitioner undertakes that he shall comply with the settlement as contained in clause 11 of the settlement agreement and shall positively withdraw the said appeal.

9. Both the petitioner and respondent No.2 are permitted to join the Parents Teacher Meeting (PTM) of both the children as and when fixed by the respective schools. The parent with whom the child is presently residing, shall communicate to the other parent the date as and when the PTM is fixed. Both the petitioner and respondent No.2 shall communicate to each other in case the schools of either of the children are changed. Both

the parties are directed to maintain good behaviour as and when they meet, particularly in the presence of their children.

10. It is made clear that the aspect of custody of the two minor children as agreed to between the parties shall be open to modification, if it is required in the interest of the children, as and when required.

11. The undertakings/ statements given by both the parties are accepted by this Court and continue to bind the parties. Non-compliance of the undertakings/ statements shall tantamount to contempt of Court, and the Court shall take any breach of the undertakings/ statements very seriously.

12. Since the parties have arrived at the settlement, respondent No.2 is agreeable to the quashing of the FIR in question. No useful purpose would be served in keeping the same pending.

13. Accordingly, the petition is allowed and the FIR and proceedings arising therefrom stand quashed, subject to compliance of the undertakings aforesaid.

14. Dasti.

AUGUST 09, 2016

B.S. Rohella

VIPIN SANGHI, J