

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 5th April, 2016

W.P.(CRL) 1111/2016**ABHISHEK DHAWAN & ORS**

..... Petitioners

Through: Mr Sanjeev Sharma and Mr Dinesh
Sharma, Advocates.

versus

SAMRITI & ANR

..... Respondents

Through: Ms Richa Kapoor, Addl. Standing
Counsel (Crl.) with Ms Mallika
Parmar, Advocate.

ASI Diwan Singh, PS- Vivek Vihar

Mr D.K.Singh, Pankaj Chauhan and
Mr Gaurav Singh, Advocates for R-2.

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.0213/2015 under Sections 406/498A IPC registered at Police Station- Vivek Vihar.

2. The facts in brief are that the petitioner No.1-husband and respondent No.1/complainant (wife) were married to each other according to Hindu rites and ceremonies on 20.02.2009. However, no child has been born out of the said wedlock. Due to temperamental and ideological differences between the parties to the marriage, they started living separately since August 2013. On a complaint instituted by respondent no.1 (wife), the subject FIR was registered against the petitioner No.1 and his family members.

3. Counsel for the parties state that the outstanding matrimonial dispute between the parties to the union has been settled amicably. The salient terms of the amicable settlement as enshrined in the joint statement of the parties to the union, recorded at the time of First Motion under Section 13B of the Hindu Marriage Act before the concerned Family Court, Gurgaon, are as follows:-

“We have amicably resolved and settled all the issues pertaining to our respective claims, maintenance (past, present and future), Istridhan, properties and dowry etc. Both the petitioners shall remain bound by the averments made in the petition. Petitioner No.1 has agreed to pay a total sum of Rs.12 Lacs to the petitioner No.2, out of which petitioner no.2 has received a demand draft dated 31.08.2015 for a sum of Rs.Three Lacs from petitioner No.1 today and the balance amount of

Rs.9 Lacs shall be paid by the petitioner No.1 to petitioner No.2 at the time of recording joint statement of the parties on second motion. Both the petitioners shall remain bound as per their joint statement made on 26.8.2015.

We further undertake not to file any litigation in future and withdraw all the applications if filed by both of us against each other or our respective family members pertaining to this marriage and the matters connected therewith.

Our consent for divorce is free and voluntary. The same has not been give under any force, pressure, fraud, coercion, misrepresentation or undue-influence. There is no collusion.”

4. In a nutshell, it has been agreed by and between the parties to the union that respondent no.1 (wife) shall be paid a sum of Rs.12 lakh towards all her claims *vis-à-vis* permanent alimony, stridhan, dowry articles, maintenance past, present and future etc. against the petitioners.

5. Counsel for the parties further state that pursuant to the said settlement between the parties to the union, the sum of Rs.12 lakh has already been received by respondent no.1 (wife).

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 05.03.2016 has already been obtained by the parties from the concerned Family Court, Gurgaon. 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 case filed by the respondent no.1/complainant (wife) under the Domestic Violence Act, 2005 against the petitioner as well as the petition filed by the petitioner no.1 (husband) against the respondent no.1/complainant (wife) under Sections 13(1) A of Hindu Marriage Act, 1955, in addition to the quashing of the subject FIR.

7. Respondent No.1/complainant (wife), who is present in Court and has been identified by the IO in the subject FIR, namely, Diwan Singh, PS-Vivek Vihar, 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.

8. Since the dispute between the parties which arose out of a matrimonial discord between the petitioners and respondent no.1 and resulted in the registration of the subject FIR, has been settled by and between the parties without any undue influence, pressure or coercion; as the parties have obtained decree of divorce by mutual consent on 05.03.2016, no useful purpose will be served by proceeding with the subject FIR.

9. Resultantly, FIR No.0213/2015 under Sections 406/498A IPC registered at Police Station- Vivek Vihar, Delhi, is hereby set aside and quashed qua the petitioners subject to their depositing a sum of Rs.10,000/- each with the Victims' Compensation Fund within a period of two weeks from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

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

APRIL 05, 2016
mk

SIDDHARTH MRIDUL, J