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

Date of Decision: 22nd April, 2016

+ **W.P.(CRL) 1198/2016 and Crl. MA No. 6304/2016**

RANJIT SINGH & ORS

..... Petitioners

Through

Mr. Ajai Kumar, Advocate along with
petitioners

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through

Mr. Sanjay Lao, ASC (Crl.) with
Mr. Siddharth Sindhu, Advocate
SI Satbir Singh, PS Tilak Nagar
Ms. Nidhi Banga, Adv. for Resp. No. 2
along with Resp. No. 2/Complainant

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J. (ORAL)

CRL.M.A. No. 6304/2016 (Exemption)

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

W.P. (CRL.) 1198/2016

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. 51/2015 under Sections 406/498A/34 IPC registered at Police Station- Tilak Nagar, 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 Sikh rites and customs on 12th February, 2013. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since 7th June, 2014. 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 Mediation Centre, Tis Hazari Courts, Delhi, the outstanding matrimonial dispute between the parties to the union has been settled amicably by way of a Settlement Agreement dated 1st May, 2015. The salient terms and conditions of the settlement as enshrined in the said agreement dated 1st May, 2015 are as follows:-

“2. It is agreed that the husband shall pay Rs. 5,00,000/- (Rs. Five Lacs only) to the wife towards her all legal entitlements past, present and future arising out of the marriage which shall include permanent alimony, maintenance and all other miscellaneous and legal expenses.

3. It is agreed that the wife and husband shall initiate appropriate legal proceedings before the court of competent jurisdiction at Tis Hazari Courts for recording of First Motion. It is further agreed that at the time of recording of First Motion the husband shall pay Rs. 1,50,000/- (Rs. One Lac Fifty Thousand only) by way of cash/DD to the wife.

4. It is agreed that the husband and wife shall initiate appropriate legal proceedings for recording of Second Motion

before the court of competent jurisdiction at Tis Hazari Courts in accordance with law within fifteen days after the expiry of statutory period of six months. It is further agreed that at the time of recording of second motion and dissolution of marriage by decree of divorce by mutual consent, the husband shall pay Rs. 2,00,000/- (Rs. Two Lac only) by way of cash/DD to the wife.

5. It is agreed that the husband shall initiate appropriate legal proceedings for quashing of FIR bearing no. 51/2015 u/s 498A/406/34 IPC, PS Tilar Nagar and all other consequential proceedings arising out of the said FIR within one month after the dissolution of marriage at his expense and at that time the husband shall pay the balance amount out of Rs. 1,50,000/- (Rupees One Lac Fifty Thousand only) by way of DD/cash to the wife. It is further agreed that wife shall cooperate in legal proceedings initiated for quashing of FIR No. 51/15 u/s 498A/406/34 IPC P.S. Tilak Nagar.”

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. 5 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 Mediation Centre, Tis Hazari Courts, Delhi, a sum of Rs. 3.50 lakhs has already been received by respondent no.2 (wife). The balance sum of Rs. 1.50 lakhs has been brought to the Court in the shape of Demand Draft dated 14th March, 2016 bearing No. 753117 drawn on State Bank of India, Tagore Garden, New Delhi in favour of respondent no. 2(wife) herein. The latter acknowledges receipt thereof subject to its encashment.

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 2nd March, 2016 has already been obtained by the parties from the concerned Family Court, Tis Hazari Courts, Delhi.

7. Ms. Harleen Kaur, respondent No.2/complainant (wife), who is present in Court and has been duly identified by her counsel- Ms. Nidhi Banga, Advocate, 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 Mediation Centre, Tis Hazari 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. 51/2015 under Sections 406/498A/34 IPC registered at Police Station- Tilak 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. 5,000/- each with the Victims' Compensation

Fund within a period of two weeks from today. A copy of the receipt thereof be provided to the Investigating Officer in the subject FIR namely SI Satbir Singh, Police Station- Tilak Nagar, Delhi,

10. It is also observed that as a consequence of the settlement arrived at by and between the parties to the union, a quietus will also be applied to the Complaint Case No. 384/1/2015 filed by the respondent no.2/complainant (wife) under Section 12 of Domestic Violence Act, in addition to the disposal of the present writ petition.

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

APRIL 22, 2016
SD

SIDDHARTH MRIDUL, J