

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 29th April, 2016

W.P.(CRL) 1315/2016 & CRL.M.A. 6926/2016

MUKESH @ JAGMINDER @ ORS. Petitioners

Through: Mr Tarun Dabas, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR Respondents

Through: Mr Ananya Mohan, Advocate for Mr Avi Singh, Addl. Standing Counsel (Crl.).
Ms Garima Gupta, Advocate for R-2.
SI Sonu Ram, PS- Vijay Vihar.

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.701/2013 under Sections 406/498-A/34 IPC registered at Police Station- Vijay Vihar, Delhi.

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 08.04.2012. Owing to temperamental and ideological

differences between the parties to the marriage, they started living separately since 05.07.2012. 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 Family Court, Rohini, Delhi, the outstanding matrimonial dispute between the parties to the union has been settled amicably. The salient terms and conditions of the settlement as recorded in the joint statement dated 07.12.2015 of the parties before the Principal Judge (North-West), Family Courts, Rohini, Delhi, are as follows:-

“As per the settlement, the petitioner no.1 has agreed to pay a total sum of Rs.50,000/- to the petitioner no. 2 towards full and final settlement of all her claims in respect of dowry/stridhan articles, maintenance – past, present and future, and permanent alimony and after receipt of the said total sum, no claim shall be left against each other and each other’s family members qua the marriage. Out of the said total sum of Rs.50,000/-, a sum of Rs. 20,000/- has already been paid by petitioner no.1 to the petitioner no.2 at the time of recording statements of first motion and today petitioner no.1 has paid a sum of Rs.20,000/- in cash to petitioner no.2. The balance amount of Rs.10,000/- shall be paid by petitioner no.1 to petitioner no.2 at the time of quashing of FIR bearing no. 701/13, U/s 498A/406/34 IPC, PS Vijay Vihar, before the Hon’ble High Court of Delhi.

We shall have no right, title, claim or interest of any nature whatsoever against each other in the properties in our possession and our family members possession or acquired/obtained in future.

We both undertake to abide by the terms and conditions as mentioned in the joint petition Ex. P-A as well as our joint-

statement recorded today.

We both further undertake to withdraw all the cases/complaints, if any, filed against each other and not to file any complaint/case/suit against each other or our respective family members in future before any Court of law or authority in respect to our matrimonial relations or any other claim arising out of it.”

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.50,000/- 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 dated 07.12.2015, a sum of Rs.40,000/- has already been received by respondent no.2 (wife). The balance sum of Rs.10,000/- has been handed over to the respondent no.2 in court today in cash. The respondent no.2 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 07.12.2015 has already been obtained by the parties from the concerned Family Court, Rohini, Delhi.

7. Respondent No.2/complainant (wife), who is present in Court and has been duly identified by the IO in the subject FIR, namely, SI Sonu Ram, PS-Vijay Vihar, 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.

8. Since the dispute between the parties which arose out of a matrimonial discord between the petitioners and respondent no. 2 and resulted in the registration of the subject FIR, has been settled amicably 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.

9. Resultantly, FIR No.701/2013 under Sections 406/498-A/34 IPC registered at Police Station- Vijay Vihar, Delhi, is hereby set aside and quashed qua the petitioners.

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

SIDDHARTH MRIDUL, J

APRIL 29, 2016

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