

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 10.05.2016

W.P.(CRL) 1462/2016

AMIT YADAV & ORS

..... Petitioners

Through: Mr R.K.Lamba, Advocate.

versus

THE STATE & ANR

..... Respondents

Through: Mr Rajesh Mahajan, Addl. Standing
Counsel (Crl.).

Mr H.S.Yadav, Advocate for R-2 with
R-2 in person.

SI Harender Singh, PS- Khyala.

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.415/2014 under Sections 325/498A/506/34 IPC registered at Police Station- Khyala, 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 ceremonies on 13.03.2013. A female child, namely, Kanak was born out of the said wedlock on 18.12.2013 and is in the care and custody of petitioner No.1. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since 31.05.2014. On a complaint instituted by respondent No.2, the subject FIR was registered against the petitioners.

3. Counsel for the petitioners as well as the respondent No.2, who appears in person and has been identified by the IO in the subject FIR, namely, SI Harender Singh, PS- Khyala, state that with the intervention of friends, relatives and well wishers, the parties have arrived at an amicable resolution of all their outstanding matrimonial disputes. The salient terms and conditions of the settlement as noted in the judgment dated 09.03.2016 passed by the Principal Judge, Family Courts, West Distt., Tis Hazari Courts, Delhi in petition under Section 13-B(2) of the Hindu Marriage Act, are as follows:-

“5. Petitioners have further stated that they have settled all the matrimonial disputes pertaining to this marriage including istridhan, permanent

alimony, dowry articles and maintenance (present, past and future) for an amount of Rs.25,00,000/- towards full and final settlement. Out of the said settlement amount, first installment of Rs.15,00,000/- has already been paid by the petitioner No.1 to the petitioner No.2. As per settlement, second installment of Rs.5,00,000/- has been paid by the petitioner No.1 to the petitioner No.2 on 23.01.2016 in the court by way of DD bearing No.526920 dt. 10.12.2015, drawn on Bank of India. Third and final installment of Rs.5,00,000/- shall be paid by the petitioner No.1 to the petitioner No.2 at the time of quashing of FIR bearing No.415/2014 of PS: Khyala, Delhi before the Hon'ble High Court of Delhi at Delhi. Petitioners have also agreed that they will not initiate any litigation or will not raise any claim in future against each other and family members as well relatives of each other.”

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.25 lakh towards all her claims *vis. a vis.* permanent alimony, dowry articles, maintenance past, present and future etc. against the petitioners.

5. Counsel for the petitioners as well as the respondent No.2, further state that pursuant to the said settlement between the parties to the union, a sum of Rs.20 lakh has already been received by respondent No.2 as per the

terms of the settlement. The balance sum of Rs.5 lakh has been handed over to the respondent No.2 in court today by way of a demand draft bearing No.520945 drawn on Bank of India, Vishnu Garden, Delhi. The respondent No.2 acknowledges receipt of the same subject to its realization.

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 09.03.2016 has already been obtained by the parties from the concerned Family Court, Tis Hazari Courts, Delhi.

7. Respondent No.2 states that in pursuance to the settlement arrived at between the parties, 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 petitioner No.1 and respondent No. 2 and resulted in the registration of the subject FIR, has been settled amicably by way of a settlement without any undue influence, pressure or coercion; as the parties have obtained decree of divorce by mutual consent on 09.03.2016, no useful purpose will be served by proceeding with the subject FIR.

9. Resultantly, the FIR No.415/2014 under Sections 325/498A/506/34 IPC registered at Police Station- Khyala, Delhi, is hereby set aside and

quashed qua the petitioners subject to their depositing a sum of Rs.20,000/- in the aggregate with the Victims' Compensation Fund within a period of two weeks from today. A copy of the receipt thereof shall be provided to the IO in the subject FIR.

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

MAY 10, 2016
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SIDDHARTH MRIDUL, J

