

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 20th May, 2016

W.P.(CRL) 1599/2016 & CRL.M.A. 8297/2016

RAHUL BATRA & ORS

..... Petitioners

Through: Mr C.Parkash and Ms Lata Anand,
Advocates.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr R.S. Kundu, Addl. Standing Counsel
(Crl.) with SI Akhileshwar, PS- Moti
Nagar.
Respondent No.2 in person.

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.30/2015 under Sections 406/498A/34 IPC registered at Police Station- Moti Nagar, Delhi.

2. The facts in brief are that the petitioner No.1 and respondent No.2/complainant (wife) were married to each other according to Hindu rites and customs on 20.05.2013. No child has been born out of the said wedlock.

Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since 22.05.2014. On a complaint instituted by respondent no.2 (wife), the subject FIR was registered against the petitioner No.1 and his family members.

3. Counsel for the parties state that with the aid and assistance of the Delhi 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 dated 16.04.2015. The salient terms and conditions of the settlement dated 16.04.2015 arrived at before the Mediation Centre, Tis Hazari Courts, Delhi, are as follows:-

- “1. It has been agreed between the parties that both the parties i.e. complainant and petitioner shall dissolve the marriage by way of filing a petition under Section 13(B)(1) and 13(B)(2) of HMA.
2. It has been agreed between the parties that the petitioner shall make a payment of Rs.2,00,000/- (Rupees Two Lacs only) to the complainant towards her full and final settlement including stridhan/alimony/ maintenance of past, present and future and all other claims and/rights.
3. It has also been agreed between the parties that the above said amount of Rs.2,00,000/- (Rs. Two Lacs only) shall be paid in three installments. The first installment of Rs.25,000/- (Rupees Twenty Five Thousand only), in cash, shall be paid by the petitioner to the complainant at the time of recording of their statements under Section 13(B)(1) of HMA and the second installment of Rs.75,000/- (Rupees Seventy Five Thousand only), in cash, shall be paid by the petitioner to the complainant at the time of recording of their

statement in the proceedings under Section 13(B)(2) of HMA.

4. It has also been agreed between the parties that a petition shall be filed under Section 482 Cr.P.C. by the petitioner and other co-accused, for quashing of FIR bearing No. 30/2015 under Section 498A/406/34 IPC registered with PS Moti Nagar, Delhi and the complainant shall cooperate with the petitioner and other co-accused in the aforesaid case/FIR and also complainant shall file her affidavit for the quashing of the Fir and further undertakes to appear before the Hon'ble Delhi High Court on each and every date of hearings. The complainant further undertakes to make a statement, in terms of the compromise arrived between the parties, before the Hon'ble Delhi High Court.
5. That the third and last installment of Rs.1,00,000/- (Rupees One Lac only), by way of cash / DD / Pay Order, shall be paid by the petitioner to the complainant at the time of disposal of the petition under Section 482 Cr.P.C. for the quashing of the above said FIR. It has also been agreed between the parties that the joint petition for dissolution of marriage shall be filed within one month from today and the second motion under Section 13(B)(2) of HMA shall be filed within one month after the expiry of the statutory period of six months.”

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.2,00,000/- 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, a

sum of Rs.1 lakh has already been received by respondent no.2 (wife). The balance sum of Rs.1 lakh has been brought to the Court in the shape of cash and has been handed over to the respondent No.2. The latter 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 08.04.2016 has already been obtained by the parties from the concerned Principal Judge, West District Family Court, Tis Hazari, Delhi.

7. The respondent No.2/complainant (wife), who is present in Court and has been duly identified by the Investigating Officer in the subject FIR namely SI Akhileshwar, PS- Moti Nagar, 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 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 between the parties 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.30/2015 under Sections 406/498A/34 IPC

registered at Police Station- Moti Nagar, Delhi, and the proceedings arising therefrom are hereby set aside and quashed qua the petitioners subject to their depositing a sum of Rs.10,000/- in the aggregate with the Victims' Compensation Fund within a period of four weeks from today. A copy of the receipt thereof be provided to the Investigating Officer in the subject FIR.

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

MAY 20, 2016
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SIDDHARTH MRIDUL, J