

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 17th May, 2016

W.P.(CRL) 1566/2016 & CRL.M.A. 8120-8121/2016

DHEERAJ GOEL/GOYAL & ORS

..... Petitioners

Through: Mr Sudhir Vats and Mr Sanjay Aggarwal,
Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through: Ms Kamna Vohra, Addl. Standing
Counsel (Crl.).
Mr C.Parkash with Ms Lata Anand,
Advocate 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.737/2015 under Sections 406/498A/34 IPC registered at Police Station- Prashant 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 24.11.2012. 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 17.08.2014. 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 the Delhi Mediation Centre, Rohini District Courts, Delhi, the outstanding matrimonial dispute between the parties to the union has been settled amicably by way of a Settlement/Agreement dated 14.10.2015. The salient terms and conditions of the settlement as contained in the said Settlement/Agreement dated 14.10.2015 are as follows:-

- “1. That the second party shall not oppose anticipatory bail application of first party and his other family members and give her no objection to the same.
2. That both the parties shall file a petition under section 13B(1) and 13B(2) of HMAAct before the competent court of law for getting dissolved their marriage by a decree of divorce on the ground of mutual consent.
3. That the first party shall pay a total sum of Rs.30,00,000/- (Rs. Thirty Lacs only) to the second party towards the full and final settlement of all her claims including stridha\, belongings, jewelleries, maintenance (past, present & future), permanent alimony and the aforesaid amount shall be paid in the following manner:
 - a. First installment of Rs.5,00,000/- (Rs. Five Lacs only), by way of cash/DD, shall be paid by first party to the second party at the time of

grant of anticipatory bail to the first party and other family members.

- b. Second installment of Rs. 10,00,000/- (Rs. Ten Lacs only), by way of cash/DD, shall be paid by first party to the second party at the time of recording of statements of both the parties before the competent court in petition under section 13(B)(1) of H.M.Act (i.e. First motion petition).
- c. Third installment of Rs. 10,00,000/- (Rs. Ten Lacs only), by way of cash/DD, shall be paid by first party to the second party at the time of recording of statements of both the parties before the competent court in petition under Section 13(B)(2) of H.M.Act (i.e. Second motion petition).
- d. Fourth and final installment of Rs.5,00,000/- (Rs. Five Lacs only), by way of cash/DD, shall be paid by the first party to the second party at the time of quashing of case / FIR no.737/2015 before the Hon'ble Delhi High Court.”

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.30 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 parties further state that pursuant to the said settlement, a sum of Rs.25 lakh has already been received by respondent no.2 (wife). The balance sum of Rs.5 lakh has been brought to the Court in the shape of Demand Draft dated 09.05.2016 bearing No.126734 drawn on Allahabad Bank, 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 25.04.2016 has already been obtained by the parties from the concerned Family Court, Rohini North, 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 Yogesh Raj, Police Station- Prashant 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 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.737/2015 under Sections 406/498A/34 IPC registered at Police Station- Prashant Vihar, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners subject to

their depositing a sum of Rs.10,000/- each 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 17, 2016
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SIDDHARTH MRIDUL, J