

IN THE HIGH COURT OF DELHI AT NEW DELHI*Date of Decision: 17th May, 2016***W.P.(CRL) 1567/2016 & CRL.M.A. 8123/2016****SACHIN GUPTA & ORS**

..... Petitioners

Through: Mr Parmil Kumar, Advocate.

versus

THE STATE OF GOVT OF N.C.T DELHI & ORS

..... Respondents

Through: Mr R.S.Kundu, Addl. Standing Counsel
(Crl.) with Mr Ankit Kr. Gulia, Advocate
with SI Naveen Kumar, PS- Jyoti Nagar.
Mr Arun Tyagi, 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.874/2014 under Sections 406/498A/34 IPC registered at Police Station- Jyoti Nagar, 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 07.12.2012. 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 14.03.2013. 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 intervention of the respectable persons the outstanding matrimonial dispute between the parties to the union has been settled amicably. The salient terms and conditions of the settlement as contained in statements of the parties recorded in Crl.Appeal No.16/2014 (*Sachin Gupta v. Deepika Gupta*) before the court of Additional Sessions Judge, Karkardoom Courts, Delh, are as follows:-

“I am appellant in the present criminal appeal. I have settled all my disputes with the respondent Smt. Deepika Gupta, my wife out of court amicably for a total sum of Rs. 9 lakhs to be paid by me to the respondent towards full and final settlement of all my disputes with her.

As per settlement, I agree to pay aforesaid settlement amount of Rs. 9 lakhs to the respondent in four installments through draft/cash payment. The first installment in sum of Rs. 1 lakh shall be paid to the respondent at the time of filing of bail application for any bail in case FIR No.874/14, u/s 498/406/34 IPC, PS Jyoti Nagar. The 2nd and 3rd Installments of Rs. 3 lakh each shall be paid by me to the respondent on the date of recoding of statement for first motion and for second motion, respectively. I undertake to pay the 4th and final installment in sum of Rs. 2 lakh to the respondent on the date of quashing of aforesaid case FIR.

I also undertake that in case, I fail to comply the terms of settlement as agreed by me vide this statement, the respondent shall be at liberty to file application for cancellation of bail against me.

My counsel is not present today and I am making this statement voluntarily out of my sweet free will.”

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.9 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.7 lakh has already been received by respondent no.2 (wife). The balance sum of Rs.2 lakh has been paid to the respondent no.2(wife) herein in cash today. 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 23.10.2015 has already been obtained by the parties from the concerned Family Court, Karkardoom Courts, Delhi.

7. The respondent No.2/complainant (wife), who is present in Court and has been duly identified by her counsel as well as the Investigating Officer in the subject FIR namely SI Naveen Kumar, Police Station- Jyoti 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. The respondent No.2 undertakes to withdraw the proceedings instituted under Section 12 of the Domestic Violence Act pending

before the Metropolitan Magistrate, Karkardooma Courts on the next date of hearing fixed in that that matter, i.e., 27.05.2016.

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.874/2014 under Sections 406/498A/34 IPC registered at Police Station- Jyoti 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.20,000/- 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.

SIDDHARTH MRIDUL, J

MAY 17, 2016

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