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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 19th January, 2016

+ W.P.(CRL) 170/2016, Crl. MA No. 927/2016 (Exemption) and
Crl. MA No. 928/2016 (for condonation of delay)

UDIT MEHRA & ORS. Petitioners
Through Mr. Santosh Kumar K., Advocate
along with petitioner no. 1

versus

STATE & ANR Respondents
Through Mr. Rajesh Mahajan, ASC (Crl.)
ASI Ombir Singh, P.S. Dabri
Mr. Ravi Mehta, Adv. for Resp.
no.2/complainant along with
Complainant

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. 571/2013 under Sections 406/498A/34 IPC registered at Police Station- Dabri, Delhi and the proceedings arising therefrom.

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 6th February, 2013. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since 17th August, 2013. 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 the outstanding matrimonial dispute between the parties to the union has been settled amicably before the Additional Sessions Judge, Dwarka Courts, New Delhi. The salient terms and conditions of the settlement as enshrined in the order dated 10th March, 2014 are as follows:-

“Vide this order, I shall dispose off the anticipatory bail application of the applicant Udit Mehra.

Brief facts of the complaint are that after the marriage of complainant, applicant and his family members started torturing, harassing and beating the complainant on account of dowry.

It is contended by the counsel for the applicant that allegations regarding the beatings are vague and all the family members have been falsely implicated in this case. It is further contended that no demand of dowry was ever made by the applicant or his family members. It is further contended that no useful purpose will be served by keeping the applicant behind the bars. It is further stated by the

counsel for the applicant that applicant is ready to join investigation as and when directed by the IO.

At this stage, father of the applicant Anil Mehra submits that he is ready to settle the matter with the complainant in person has also not opposed such offer given by her father-in-law. Matter is settled between the parties for an amount of Rs. 19 lacs. Separate statements of both the parties recorded in which applicant is ready to pay Rs. 5 lacs within two weeks from today to the complainant and Rs. 5 lacs at the time of filing of First Motion and Rs. 5 lacs at the time of filing of Second Motion and remaining Rs. 4 lacs to be paid at the time of quashing of this FIR before the Hon'ble High Court.

As the matter has been settled between the parties and separate statements recorded in this regard, I am of the opinion that applicant Udit Mehra deserves concession of bail and is hereby granted bail on furnishing of PB & SB in sum of Rs. 20,000/- each to the satisfaction of the IO/SHO.

Needless to say that the parties including the petitioner and the complainant shall be bound by the terms and conditions as recorded today itself and undertaken by them to be honoured in due course of time. In case, any party backed out from their undertakings/promises, the other party will be at liberty to proceed against the defaulting party as per law.

Application disposed off accordingly.”

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

5. Counsel for the parties further state that pursuant to the said settlement between the parties to the union, the sum of Rs. 15 lakhs has already been received by respondent no.2 (wife). The balance sum of Rs. 4 lakh has been brought to the Court in the shape of a Demand Draft dated 1st January, 2016 bearing No. 014820 drawn on Axis Bank, Delhi 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 20th July, 2015 has already been obtained by the parties from the concerned Family Court, Dwarka, Delhi.

7. Respondent No.2/complainant (wife), who is present in Court and has been identified by the Investigating Officer i.e. ASI Ombir Singh, Police Station- Dabri, 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 before the

Additional Sessions Judge, Dwarka Courts, New Delhi without any undue influence, pressure or coercion; as the parties have obtained decree of divorce by mutual consent on 20th July, 2015; and 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. 571/2013 under Sections 406/498A/34 IPC registered at Police Station- Dabri, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners subject to each of the petitioners depositing a sum of Rs. 5,000/- each with the Victims' Compensation Fund within a period of two weeks from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

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

SIDDHARTH MRIDUL, J

JANUARY 19, 2016/sd