

**#27**

**\* IN THE HIGH COURT OF DELHI AT NEW DELHI**

**Date of decision: 11<sup>th</sup> January, 2016**

**+ W.P.(CRL) 67/2016**

**AJAY YADAV & ORS.**

**..... Petitioners**

**Through**

**Ms. Sonia Singhavi and Ms. Rashmi Singh, Advocates along with petitioner no. 1**

**versus**

**STATE & ANR**

**..... Respondents**

**Through**

**Mr. Rajesh Mahajan, ASC (Crl.)  
SI Shri Bhagwan, P.S. Neb Sarai  
Mr. Sushank Mukund, 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. 543/2013 under Sections 406/498A/34 IPC registered at Police Station- Neb Sarai, 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 24<sup>th</sup> November, 2012. Owing to temperamental and ideological differences between the parties to the marriage, they started living separately since 14<sup>th</sup> December, 2012. 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 Court of Principal Judge, South Family Court, Saket Court Complex, New Delhi by way of order dated 28<sup>th</sup> January, 2015. The salient terms and conditions of the afore-stated settlement are as follows:-

“XXXX

8. It is agreed between the parties that husband shall pay to the wife a sum of Rs. 5,25,000/- as full and final settlement against stridhan, dowry, maintenance towards past, present and future qua this marriage and nothing remain due qua this marriage.

9. It is further agreed between the parties that the respondent will pay Rs. 1,75,000/- to the petitioner at the time of recording of the statement of first motion.

10. It is further agreed between the parties that the respondent will pay Rs. 1,75,000/- to the petitioner at the time of recording of the statement of second motion.

11. It is agreed between the parties that the first motion petition shall be filed on or before 9<sup>th</sup> March and second motion petition shall be filed soon after the completion of the period of six month of the under u/s 13(B)(1) HMA.”

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. 5.25 lakhs 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 before the Principal Judge, South Family Court, Saket Court Complex, New Delhi, the sum of Rs. 3.50 lakhs has already been received by respondent no.2 (wife). The balance sum of Rs. 1.75 lakhs has been brought to the Court in the shape of Demand Draft dated 4<sup>th</sup> January, 2016 bearing No. 508667 drawn on ICICI Bank, Connaught Place, New Delhi Branch 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 18<sup>th</sup> November, 2015 has already been obtained by the parties from the concerned Family Court.

7. Respondent No.2/complainant (wife), who is present in Court and has been identified by the Investigating Officer i.e. SI Shri Bhagwan, Police Station- Neb Sarai, 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 Principal Judge, South Family Court, Saket Court Complex, New Delhi on 28<sup>th</sup> January, 2015 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. 543/2013 under Sections 406/498A/34 IPC registered at Police Station- Neb Sarai, 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 11, 2016**

**sd**

