

S-33

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 232/2017

ROBIN AGGARWAL & ORS.

..... Petitioners

Through: Mr. Anil Sharma, Advocate with
Mr.Amar Bhardwaj, Advocate along with
petitioners.

versus

STATE (GNCT OF DELHI) & ANR.

..... Respondents

Through: Mr.R.S. Kundu, ASC for State with Mr.
Peeyush Bhutia, Advocate along with SI Manish
Chaudhary, PS Shahdara, Delhi.

Mr. Inderjeet Singh, Advocate for R-2 along with
respondent no. 2 in person with her father.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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19.07.2017

1. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of the FIR bearing No. 245/2015, registered on 20.04.2015 with PS Shahdara, Delhi, under Section 498A/406/34 of IPC read with Section 4 of Dowry Prohibition Act, 1961.

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2. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 13.11.2013 in Delhi. However, no issue out of the said wedlock was born out.
 3. The petitioner no. 2 and 3 are the parents of petitioner no. 1, petitioner no. 4 is the younger brother of the petitioner no. 1, and petitioner no. 5 and 6 are the sisters of the petitioner no.1.
 4. Some temperamental differences between the petitioner no. 1 and the respondent no.2 cropped up. As such, the respondent No.2 left the matrimonial home on 18.03.2014 and started residing with her parents.
 5. The respondent no. 2 filed a complaint before CAW Cell, which culminated into FIR No. 245/2015 on 20.04.2015 under Section 498A/406/34 of IPC read with Section 4 of Dowry Prohibition Act, 1961. She has also filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') and another petition under Section 125 of Cr.PC for maintenance against the petitioner no.1.
 6. On a reference by Ld.MM to the Mediation Center, Karkardooma Courts, Delhi, the parties have arrived at a settlement on 02.01.2016 before the Mediator. By this settlement, the petitioner no. 1 and the respondent no. 2 have decided to part company of each other and have a decree of divorce from the competent court of jurisdiction. It was also agreed that the petitioner no.1 shall pay a total sum of Rs.5,00,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance. The respondent no.2 has agreed to withdraw her two complaints/applications/petitions filed under Section 12 of the DV Act and petition under Section

125 of Cr.PC.

7. Pursuant to this settlement, the respondent no.2 had withdrawn her two applications filed under Section 12 of the DV Act and petition under Section 125 of Cr.PC. At the time of recording the statement of the parties in the first motion, the respondent no. 2 had received an amount of Rs.1,50,000/- from the petitioner no.1. At the time of second motion, the respondent no. 2 also received further a sum of Rs.1,50,000/- from the petitioner no. 1. On 28.09.2016, a decree of divorce was passed by the court of Principal Judge, Family Court, Shahdara, Delhi dissolving the marriage between the petitioner no. 1 and the respondent no.2.

8. Today the petitioner no. 1 has delivered one pay order bearing no. 262366 dated 17.07.2017 for Rs.2,00,000/- drawn on Corporation Bank, Kabir Nagar Branch, Delhi to the respondent no. 2, which she has accepted. She confirms having received Rs.3 lakhs earlier.

9. The respondent no. 2 appears with her father today and she has been duly identified by the IO. She confirms that she has willingly settled the matter with the petitioners without any force or coercion and she does not want to pursue her FIR further.

10. Both the parties submit that now nothing is due and recoverable by them against each other. The matter has been amicably settled between the parties and no purpose would be served in further pursuing with the matter in the FIR bearing No. 245/2015, registered on 20.04.2015 with PS Shahdara, Delhi, under Section 498A/406/34 of IPC read with Section 4 of Dowry Prohibition Act, 1961. Hence, to secure ends of justice, the FIR bearing No. 245/2015, registered on 20.04.2015 with PS Shahdara, Delhi, under Section

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498A/406/34 of IPC read with Section 4 of Dowry Prohibition Act, 1961
and proceedings arising out of the same are hereby quashed.

11. The petition is disposed of.



VINOD GOEL, J.

JULY 19, 2017

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