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

+ W.P.(CRL) 505/2017 & CrI.M.A. 2673/2017

SURESH KUMAR & ORS Petitioners
Through Mr.A.S. Singh, Adv. with petitioners
in person.

versus

GOVT OF NCT OF DELHI & ORS Respondents
Through Ms.Megha Bahl, Adv. for Mr.Avi
Singh, ASC for State with ASI Sajjan, P.S. Moti
Nagar.
Mr.Amresh Kumar, Adv. for R-2 along with
respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

ORDER
% **28.07.2017**

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. 260/2009, registered on 07.11.2009 with Police Station Moti Nagar, New Delhi, under Sections 498A/406/34 IPC.
2. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 07.12.2008 as per Hindu rites and customs in Delhi. However, no issue out of the said wedlock was born.

3. Due to some temperamental differences between the petitioner no. 1 and the respondent no.2 they could not reconcile with each other. Resultantly, the respondent no.2 left the matrimonial home and started living with her parents with effect from 26.04.2009.
4. The respondent no. 2 lodged a complaint with CAW Cell which culminated into said FIR. She had filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') before the court of learned MM, Mahila Court, Delhi. She also filed another petition under Section 125 of Cr.PC for maintenance against the petitioner no.1.
5. The parties have arrived at a settlement before the learned Counsellor, Principal Judge (West), Tis Hazari Courts, Delhi, on 12.07.2016.
6. By this settlement, the parties have decided to part company of each other and obtain a decree of divorce by mutual consent. It has also been settled that the petitioner no. 1 shall pay a total sum of Rs.2,00,000/- to the respondent no. 2 in full and final settlement of all her claims including the maintenance and cost of dowry articles. The respondent No.2 had also agreed to withdraw both the above said petitions i.e. under Section 12 of the DV Act and under Section 125 of Cr.PC.
7. Pursuant to this settlement, in first motion while recording the statement of the parties, a sum of Rs.50,000/- was paid to the respondent no. 2 by the petitioner no. 1. Further a sum of Rs.75,000/- was paid to the respondent no. 2 by the petitioner no. 1 at the time of recording the statement of the parties in the second motion petition. On 10.03.2017, a decree of divorce by mutual consent was passed by

the court of Ld. Additional Principal Judge, Family Court (West), Delhi and the marriage between the petitioner no. 1 and the respondent no.2 was dissolved. The respondent no.2 submits that she had withdrawn her petition filed under Section 12 of the DV Act from the court of Ld.MM, Mahila Court, Delhi. She also submits that she had also withdrawn the petition under Section 125 of Cr.PC.

8. Today the petitioner no. 1 has delivered two Bankers' Cheques bearing no. 029783 dated 11.07.2017 for Rs.40,000/- and no. 029784 dated 11.07.2017 for Rs.35,000/- both issued by State Bank of India, Nirman Bhawan, New Delhi Branch, to the respondent no. 2, being the balance settlement amount. Copies of the same are placed on record. Respondent No.2 has accepted the same. She confirms having received the entire settlement amount of Rs.2,00,000/- from the petitioner no. 1.
9. The respondent no. 2 confirms that she has willingly settled the matter with the petitioners without any force or coercion and she does not want to pursue the said FIR. She submits that the FIR may be quashed.
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 FIR bearing No. 260/2009, registered on 07.11.2009 with Police Station Moti Nagar, Delhi, under Sections 498A/406/34 IPC. Hence, to secure ends of justice, the FIR bearing No. 260/2009, registered on 07.11.2009 with Police Station Moti Nagar, Delhi, under Sections 498A/406/34 IPC and proceedings

arising out of the same are hereby quashed.

11. The petition is disposed of.

JULY 28, 2017/jitender

VINOD GOEL, J.