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

+ **CRL.M.C. 1615/2012 & CrI.M.A. 3362/2015**

KRISHAN KUMAR

..... Petitioner

Represented by: **Mr. Rajat Sharma with Mr.
Mohd. Nadeem, Advs.**

versus

STATE & ANR.

..... Respondent

Represented by: **Ms. Rajni Gupta, APP with SI
Prakash Chand, PS J.P. Kalan.
Ms. Rakhi Dubey, Adv. for R-
2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.03.2017

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By the present petition, the petitioner seeks quashing of FIR No.114/2015 under Sections 406/498A IPC registered on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Respondent No.2 had filed a petition under Section 125 Cr.P.C. in which against the order fixing maintenance, a revision petition being CrI.Rev.P. No.170/2011 was filed by respondent No.2 before this Court. During the pendency of the revision petition, the parties were referred to the Mediation Centre and on 9th November, 2011 the parties entered into a settlement before the Delhi High Court Mediation and Conciliation Centre. Terms of agreement noted that the petitioner would pay ₹11 lakhs to respondent No.2 in lieu of all her claims towards

maintenance/istridhan/permanent alimony and also maintenance of minor child Dipanshu and respondent No.2 would cooperate in quashing of the above noted FIR and proceedings pursuant thereto. Though respondent No.2 to her detriment withdrew the petition being Crl.Rev.P.170/2011 pursuant to the settlement, however thereafter the parties have not proceeded to act on the settlement. The matter was again referred to the mediation centre in the present proceedings however the report of the learned Mediator received is that no settlement could be arrived at between the parties.

Considering the fact that respondent No.2 has not taken any benefit out of the settlement dated 9th November, 2011 and instead taken a step forward to her detriment by withdrawing Crl.Rev.P.170/2011, the petitioner cannot insist that the respondent No.2 should agree to the quashing of the above noted FIR on the basis of settlement.

Petition and application are dismissed.

MUKTA GUPTA, J.

MARCH 08, 2017
‘v mittal’