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

+ **CRL.M.C. 1547/2017**

VARUN JAIN & ANR

..... Petitioners

Represented by: Mr. Avdhesh Kumar Yadav,
Advocate with petitioners in
person.

versus

STATE (GOVT NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr. Ashok K. Garg, APP for
the State with SI Birender, PS
Sagarpur.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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19.04.2017

Crl. M.A. No. 6287/2017 (Exemption)

Allowed, subject to all just exceptions.

Crl. M.A. No. 6288/2017 (Delay in refiling)

For the reasons stated in the application delay of 25 days in refiling the petition is condoned. Application is disposed of.

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By the present petition the petitioners seek quashing of FIR No. 140/2013 under Sections 498A/406/34 IPC registered at PS Sagar Pur, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions submits that in the above

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noted FIR the two petitioners are the only accused and the respondent No.2 the complainant/victim.

The complainant/Respondent No. 2, who is present in Court and is identified by the Investigating Officer states that she had initially filed a complaint case No. 337/01/2012 under Section 12 Protection of Women from Domestic Violence Act, 2005 before the learned Metropolitan Magistrate, Dwarka Courts against the petitioner No.1 wherein before the Mediation Centre, Dwarka Courts a settlement was arrived at between the parties on 19th March, 2013. As per the settlement the respondent No.2 was to be paid a total sum of ₹3 lakhs and the parties were to seek divorce by mutual consent. It was also decided that the minor child Jai, born out of the wedlock would remain in the care and custody of respondent No.2 and the petitioner No.1 would neither claim the custody nor the visiting rights of the minor child. At the time of recording of the statement for first motion under Section 13B (I) of the Hindu Marriage Act, a sum of ₹1.25 lakhs was paid however, at the time of recording of the statement for second motion for divorce under Section 13B (II) of the Hindu Marriage Act, the balance amount of ₹1.75 lakhs was not paid and only ₹1.25 lakhs was paid. Thus though the divorce by mutual consent was granted however, the respondent No.2 got registered the above noted FIR. After the registration of the FIR parties again entered into a settlement and it was decided that besides the amount of ₹2.50 lakhs already paid to the respondent No.2, she would be paid a further sum of ₹1.15 lakhs in lieu of all her claims of maintenance, istreedhan, alimony etc. and the maintenance of the minor child Jai. The said settlement was arrived at before the Delhi Mediation Centre, Patiala

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House Courts on 2nd December, 2016. Respondent No.2 states that she has received the balance amount of ₹1.50 lakhs and now she has no claim remaining against the petitioners. She further states that the minor child will live in her care and custody and the petitioner No.1 would neither claim the custody nor the visiting rights of the minor child. She states that she does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of the settlement arrived at between the parties.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 140/2013 under Sections 498A/406/34 IPC registered at PS Sagar Pur, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 19, 2017/‘vn’

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