

\$~16

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

+ W.P.(CRL) 1126/2017

MAHENDER SINGH YADAV & ORS Petitioners

Through: Mr.Atul Tripathi, Advocate along
with petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI Respondents

Through: Mr.R.S. Kundu, ASC for State
with SI Sanjiv Rai, PS CWC, Nanak Pura,
Delhi.

Ms.Anuseuya, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

%

07.09.2017

1. Status report has been filed.
2. Respondent No.2 is present. She is being represented by her counsel. She is duly identified by the IO SI Sanjiv Rai.
3. The petitioners have invoked the writ jurisdiction of this Court under Article 226 & 227 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') for quashing of the FIR bearing No. 128/2015, registered against them on 03.12.2015 with Police Station Crime (Women) Cell, Nanak Pura, (Special Police Unit for Women & Children Delhi District), Delhi under Sections 498A/406/34 IPC on the complaint of respondent No.2.

4. Petitioner No. 2 and 3 are the parents of petitioner no.1, petitioner no.4 is the sister of petitioner no.1, petitioner no. 5 is the wife of petitioner no. 4 and petitioner no. 6 and 7 are the brothers of petitioner no. 1.
5. The marriage of the petitioner No.1 with the respondent no. 2 was solemnized on 21.06.1995 as per Hindu rites and ceremonies at Jhansi. Out of this wedlock, one male child namely Master Kartikay Singh was born on 19.04.1996.
6. After solemnization of marriage, the couple started living at the matrimonial home. 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 on 17.05.2007 and started living with her parents.
7. Respondent No.2 filed a petition for maintenance u/s 125 of Cr.P.C against the petitioner No.1 in the court of learned Principal Judge, Family Courts, West District, Tis Hazari, Delhi. She lodged a complaint with CAW Cell which culminated into the said FIR. The petitioner no. 1 had preferred a petition under Section 13 of Hindu Marriage Act, 1955 for divorce before Family Court, Jhansi, UP, which was transferred to the court of learned Principal Judge, Family Court, Tis Hazari, Delhi by the Hon'ble Supreme Court of India.
8. In the proceedings under Section 125 of Cr.PC, the parties had amicably settled and resolved all their disputes before the learned Principal Judge, Family Court, Delhi on 30.05.2016.

By this settlement, the petitioner no. 1 and the respondent no. 2 had decided to part company of each other and obtain a decree of divorce by mutual consent. The petitioner no.1 had agreed to pay a total sum of Rs.25,00,000/- to the respondent no. 2 in full and final settlement of all her claims including the maintenance for herself and for her son and cost of her dowry/*stridhan* articles. The respondent no. 2 had also agreed to withdraw her petition filed under 125 of Cr.PC from the concerned court. The petitioner No.1 had agreed to withdraw his petition for divorce.

9. The respondent No.2 states that she had voluntarily resolved all disputes with the petitioners without any coercion or force.
10. Pursuant to this settlement, the respondent no. 2 submits that she had withdrawn her petition filed under Section 125 of Cr.PC from the court of learned Principal Judge, Family Court, West District, Delhi. Petitioner No.1 states that he had withdrawn his petition for divorce. At the time of recording the statements of the parties in the first motion petition, a sum of Rs.5,00,000/- was paid by the petitioner no. 1 to the respondent no. 2. At the time of recording of the statements of the parties in the second motion petition, a sum of Rs.10,00,000/- was further paid by the petitioner no. 1 to the respondent no. 2 by way of two demand drafts (Rs.5,00,000/- in the name of respondent no.2 and Rs.5,00,000/- in the name of Master Kartikay). A decree of divorce by mutual consent was granted on 16.01.2017 by the court of learned Principal Judge, Family Courts, West District,

Tis Hazari, Delhi by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

11. Today, the petitioner No.1 has paid the balance settlement amount of Rs.10,00,000/- vide two Demand Drafts No. 740165 & 740168, both dated 23.08.2017 issued by State Bank of India, Sadar Bazar Branch, Delhi in favour of Master Kartikeya Singh, to respondent No.2, which she has accepted. The respondent no. 2 submits that she has received the entire settlement amount from the petitioner No.1. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
12. Learned ASC through the IO submits that the charge sheet has so far not been filed.
13. Both the parties submit that now nothing is due and recoverable by them against each other. The matter had been amicably settled between the parties and no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No. 128/2015, registered on 03.12.2015 with Police Station Crime (Women) Cell, Nanak Pura, (Special Police Unit for Women & Children Delhi District), Delhi under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
14. The petition is disposed of accordingly.
15. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 07, 2017/“shailendra”