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

+ CRL.M.C. 1504/2017

SACHIN JINDAL & ORS. Petitioners
Through: Mr. Amarjeet Rai, Advocate

versus

THE STATE & ANR Respondents
Through: Mr. Tarang Srivastava. APP for the State
with ASI Jaiveer Singh.
Mr. Mitthan Lal, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

ORDER
% **10.08.2017**

1. Status report has been filed.
2. The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of the FIR bearing No. 332/2016, registered on 12.04.2016 with Police Station Khajuri Khas, North East Delhi, under Sections 498A/406/354/34 IPC and Section 4 of the Dowry Prohibition Act, 1961.
3. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 10.12.2013 as per Hindu rites and ceremonies in Delhi. However, no issue out of the said wedlock was born.
4. The petitioner No.2 is the brother of petitioner No.1, petitioner No.3 is the mother of petitioner No.1 and petitioner No.4 is the maternal

uncle of petitioner No.1. The petitioner No.5 is the married sister of petitioner No.1. Petitioner No.6 is the sister of mother of petitioner No.1.

5. Today the petitioner No.5 could not come as her husband is stated to be bed ridden. Petitioner No.6 also could not come as she is hospitalised in Hindu Rao Hospital, Delhi.
6. 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 she started living with her parents with effect from 20.06.2014.
7. The respondent no. 2 lodged a complaint in CAW Cell which culminated into the 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, North East, District Karkardooma. She also filed a petition under Section 125 of Cr.PC for maintenance against the petitioner no.1 before Principal Judge, Family Court, North East, Vishwas Nagar, Delhi.
8. The parties had amicably resolved and settled all of their disputes before the learned counsellor attached to the Family Court, North East, District Delhi on 8th, April 2016. By this settlement, the petitioners No.1 and respondent No.2 had 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.4,30,000/- 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.

9. Pursuant to the settlement, in first motion while recording the statement of the parties, a sum of Rs.1,50,000/- was paid to the respondent no. 2 by the petitioner no. 1. Further a sum of Rs.1,50,000/- 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 07.01.2017, a decree of divorce by mutual consent was passed by the court of Ld. Principal Judge, Family Court, Vishwas Nagar, Delhi and the marriage between the petitioner no. 1 and the respondent no.2 was dissolved. At the time of filing the present petition, the petitioner No.1 had paid the balance settlement amount of Rs.1.30 lakh to respondent No.2. Respondent No.2 present in the court being represented by her counsel states that she has received the entire settlement amount from petitioner No.1. She further states that she had withdrawn her petition filed under Section 12 of the DV Act from the court of Ld.MM, Mahila Court, North East, Delhi. She submits that she had also withdrawn her petition under Section 125 of Cr.PC.
10. The respondent no. 2 states 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.
11. 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. 332/2016, registered on 12.04.2016 with Police Station Khajuri Khas, North East Delhi, under Sections 498A/406/354/34 IPC and Section 4 of the Dowry Prohibition Act, 1961. Hence, to secure ends of justice, the FIR bearing No. 332/2016, registered on 12.04.2016 with Police Station Khajuri Khas, North East Delhi, under Sections 498A/406/354/34 IPC and Section 4 of the Dowry Prohibition Act, 1961 and proceedings arising out of the same are hereby quashed.

12. The petition is disposed of.

VINOD GOEL, J.

AUGUST 10, 2017

“sandeep”