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

+ W.P.(CRL) 1102/2017

RAHUL MALHOTRA & ORS.

..... Petitioners

Through: Mr. Anoop Singh Saroha, Advocate with
petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Avi Singh, ASC for Mr. Rahul
Mehra, Standing Counsel for the State with SI
Suraj Pal, PS Keshav Puram, Delhi.
Mr. Rajesh Panwar, Advocate for R-2 and
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **22.09.2017**

1. Status report has been filed.
2. Respondent no. 2 appears in person. She is being represented by her counsel. She is duly identified by IO SI Suraj.
3. 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.464/2015, registered on 04.07.2015 against them with Police Station Keshav Puram, North West District, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
4. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 20.06.2011 as per Hindu rites and ceremonies in Delhi.

Out of this wedlock, one male child namely Rehaan Malhotra was born on 10.06.2012.

5. The petitioner no.2 and 3 are the parents of the petitioner no.1, the petitioner no.4 is the brother of the petitioner no.1, the petitioner no. 5 is the sister of petitioner no.1 and the petitioner no. 6 is the husband of the petitioner no.5.
6. After solemnization of their marriage, the petitioner no.1 and the respondent no.2 started residing together in 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 22.03.2014 and started residing separately.
7. The respondent no.2 lodged a complaint with CAW Cell which culminated into the said FIR against the petitioners. She preferred a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'DV Act') against the petitioners in the court of learned MM, Mahila Court, Rohini, Delhi. She filed a petition G.P. No.23/2015 u/s 25 & 12 of Guardians and Wards Act before the learned Principal Judge, Family Courts, Delhi. She preferred an appeal No.49824/2016 under section 29 of DV Act against an order dated 29.06.2016 before learned ASJ, Rohini.
8. The petitioner no. 1 preferred a petition for divorce under Section 13 (1) (ia) of Hindu Marriage Act, 1955 before the learned Principal Judge, Family Court, Delhi.
9. The petitioner no.1 and respondent no.2 had amicably resolved and

settled all their disputes on 30.09.2016. 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.40,00,000/- to the respondent no. 2 in full and final settlement of all her claims including the maintenance and cost of dowry/*stridhan* articles. It has also been agreed that their minor child shall remain in the custody of petitioner no.1 and that the respondent no. 2 shall have right of visitation to the child in terms of condition number 'K' of the settlement dated 30.09.2016. Both the parties had agreed to withdraw their respective litigations/petitions/appeals.

10. Pursuant to this settlement, Rs.15,00,000/- was paid by the petitioner no.1 to the respondent no.2 at the time of recording the statement of the parties in the first motion petition. Further, a sum of Rs.10,00,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statement in the second motion petition. A decree of divorce by mutual consent was granted on 01.04.2017 by the court of learned Judge, Family Court, Rohini, Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.
11. The respondent No.2 states that she had voluntarily settled and resolved all disputes with the petitioners without any force and coercion. She submits that she had withdrawn both her petitions and appeal. The petitioner no.1 submits that he had also withdrawn his petition for divorce.
12. Today, the petitioner No.1 has paid the balance settlement amount of

Rs.15,00,000/- vide DD No.028740 dated 14.08.2017 issued by HDFC Bank, Sector-11, Delhi in favour of respondent No.2, which has been accepted by her. She 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.

13. Learned ASC through IO submits that the charge sheet has so far not been filed.
14. Both the parties submit that now nothing is due and recoverable by them against each other. Since the parties have amicably settled all their disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.464/2015, registered on 04.07.2015 against them with Police Station Keshav Puram, North West District, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
15. The petition is disposed of accordingly.
16. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 22, 2017

"shailendra"