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

+ W.P.(CRL) 1464/2017

VIJAY & ORS

..... Petitioners

Through: Mr. Ramesh Kumar Shokeen, Advocate.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Rajesh Mahajan, ASC for State with
SI Rattan Lal.

Mr. Sushant Chaudhary, Adv. for R-2 with
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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10.08.2017

1. Status report has been filed. Respondent No.2 appeared in person. She is being represented by his counsel.
2. The petitioners have invoked the writ jurisdiction of this court under Article 226 and 227 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. 0615/2014, registered on 01.07.2014 with Police Station Alipur, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
3. The marriage of the petitioner no. 1 and the respondent no. 2 was performed as per Hindu rites and ceremonies on 06.11.2011. However, no issue out of the said wedlock was born.

4. After the marriage the petitioner No.1 and respondent No.2 started residing together 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 in February, 2014. She filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') before learned MM, Mahilla Court, Delhi. She also filed a complaint in the CAW Cell which culminated into said FIR against the petitioners.
5. The parties have amicably resolved their disputes by way of Memorandum of Understanding dated 13.08.2016. By this settlement, the parties had decided to part company of each other and obtain a decree of divorce by mutual consent. It had also been settled that the petitioner no. 1 shall pay a total sum of Rs.1 lakh 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 agreed to withdraw her petition under Section 12 of the DV Act.
6. Pursuant to the settlement, the petitioner No.2 submits that she had withdrawn her petition under Section 12 of DV Act. She submits that at the time of recording the statement of parties in first motion, the petitioner No.1 had paid her a sum of Rs.50,000/-. Learned counsel for the petitioner states at bar that a decree of divorce was granted by learned Judge, Family Court, Dwarka, New Delhi, on 05.05.2017 and the marriage between the petitioner No.1 and respondent No.2 was dissolved by mutual consent. This is also confirmed by respondent

No.2 and her learned counsel.

7. Today, the petitioner no. 1 has delivered a Demand Draft bearing no. 758114 dated 07.08.2017 for Rs.50,000/- issued by Canara Bank, New Delhi, to the respondent no. 2, being the balance settlement amount. Copy of the same is placed on record. Respondent No.2 has accepted the same. She further states that she had received entire settlement amount from the petitioner No.1.
8. 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.
9. 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. 0615/2014, registered on 01.07.2014 with Police Station Alipur, Delhi, under Sections 498A/406/34 IPC. Hence, to secure ends of justice, the FIR bearing No. 0615/2014, registered on 01.07.2014 with Police Station Alipur, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the same are hereby quashed.
10. The petition is disposed of.

VINOD GOEL, J.

AUGUST 10, 2017/ sandeep