

\$~10

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

+ W.P.(CRL) 2937/2017

SUBHASH KUMAR

..... Petitioner

Through: Ms.Monika Chakravarti, Advocate

versus

STATE & ANR

..... Respondents

Through: Mr.Rahul Mehra, St.Counsel for the

State with Mr.Jamal Akhtar,

Advocate with SI Narender Singh

PS Sarai Rohilla

Ms.Sukhpreet Kaur, Advocate for R-2

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

%

**23.10.2017**

CrI.M.A. No.17121/2017

1. For the reasons stated in the application, 140 days' delay in filing of the writ petition is condoned.
2. Application is disposed of.

W.P.(CRL) 2937/2017

1. The present writ petition has been filed by the Petitioner under Article 226 of the Constitution of India for quashing of case FIR No.579/2016 under Sections 498-A/406/34 IPC registered at P.S. Sarai Rohilla, Delhi and the proceedings emanating therefrom against the petitioner in terms of the mediation settlement before Delhi Govt. Mediation & Conciliation Centre.
2. Briefly stating the facts of the present case are that Respondent No.2 got married to Petitioner on 3<sup>rd</sup> November, 2014 according to Hindu rites

and ceremonies. Due to temperamental differences, the parties were living separately from each other since September, 2015. Thereafter, Respondent No.2 filed a complaint against the Petitioners, on the basis of which FIR in question was registered.

3. It is mentioned in the petition that during the pendency of above proceeding, both the parties approached the Mediation Centre, Parliament Street on 23<sup>rd</sup> July, 2016 where they have arrived at an amicable settlement. Today learned counsel for the petitioner has placed on record copy of the said settlement dated 23<sup>rd</sup> July, 2016 as per which the matter has been settled between the parties on following terms:-

*“1. The Party No.2 Ms.Jaishree has agreed to take the articles of the admitted list of Party No.1 Mr.Subhash Kumar.*

*2. The admitted list is attached herewith.*

*3. The parties have also agreed to file divorce proceedings by mutual consent within 15 days from today on or before 08.01.2017.*

*4. That the Party No.1 has also agreed to give ₹20,000/- to Party No.2 at the time of first motion.*

*5. That the Party No.2 can collect the articles of the admitted list within 15 days before filing first motion.*

***6. That Party No.2 also undertakes to withdraw all the legal proceedings filed by her against Party No.1 at the time of first motion.***

*7. That both the parties hereby state that in case any other legal proceedings have been initiated/pending at their instance, against either parties or their family member's or vice-versa, shall be treated as honest in the eyes of law. Further the parties hereby agree and undertake not to file/initiate any application, complaint case, civil or criminal etc. against each other or their family members at any platform, forum or Court in any manner whatsoever henceforth in terms of this settlement.*

*8. Both the parties agree to remain bound on this settlement.”*

4. It is also mentioned in the petition that the marriage between the petitioner and respondent No.2 has been dissolved by mutual consent vide order dated 5<sup>th</sup> September, 2017 passed by the Principal Judge, Family Court, District West, Tis Hazari Courts, Delhi. The copy of the decree sheet dated 5<sup>th</sup> September, 2017 has been annexed with the petition at page 36 of the petition.

5. Respondent No.2 is present in person and submits that she has settled the matter with the Petitioner and in terms of said settlement, she has already received the settlement amount. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioner.

6. The FIR registered against the present Petitioner is for committing the offences punishable under Sections 498-A/406/34 IPC. Offence punishable under Section 498-A IPC is a non-compoundable offence.

7. In view of the legal position laid down in *Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257* and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, in terms of the settlement case FIR No.579/2016 under Sections 498-A/406/34 IPC registered at P.S. Sarai Rohilla, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

**PRATIBHA RANI, J.**

**OCTOBER 23, 2017**

*'pg'*