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

+ **W.P.(CRL) 1221/2017**

PRITPAL SINGH @ LOVELY & ORS Petitioners

Through: Mr. Sanchit Dhawan, Advocate with
Mr. Varun Kaushik and Mr. Varun Popli,
Advocates with petitioner no. 1 and 2 in person.

versus

STATE & ANR Respondents

Through: Ms. Srilina Roy, Advocate for
Ms. Nandita Rao, ASC for the State with SI
Dhananjay, PS Tilak Nagar, Delhi.
Mr. Mohd. Azharuddin, Advocate for R-2 along
with respondent no. 2 in person.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

ORDER
% **25.07.2017**

1. 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. 775/2015, registered on 20.05.2015 with PS Tilak Nagar, Delhi, under Section 498A/406/34 IPC.
2. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 28.09.2014 as per Sikh rites and ceremonies in Delhi. However, no issue out of the said wedlock was born.

3. The petitioner no. 2 is the brother of petitioner no. 1 and petitioner no. 3 and 4 are the parents of petitioner no. 1.
4. After solemnization of marriage, the petitioner no. 1 and the respondent no. 2 started residing 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 29.10.2014 and she started living with her parents.
5. The respondent no. 2 lodged a complaint with PS Tilak Nagar, which culminated into FIR No. 775/2015 on 20.05.2015 under Section 498A/406/34 of IPC with PS Tilak Nagar, Delhi. She has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') before the court of Ld. MM, Mahila Court (West), Tis Hazari Courts, Delhi.
6. However, on 09.02.2016, the parties amicably resolved all their disputes and agreed to part with the company of each other and obtain a decree of divorce. It has also been settled that the petitioner no. 1 shall pay Rs.5,00,000/- 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 has also agreed to withdraw the above said petition i.e. under Section 12 of the DV Act.
7. Pursuant to this settlement, the respondent no.2 had withdrawn her petition filed under Section 12 of the DV Act from the court of Ld.MM-02, Mahila Court, West District, Tis Hazari Courts, Delhi on 21.04.2016. The parties have filed first motion petition and at the time of recording the statement of the parties, the respondent no. 2

had received an amount of Rs.1,50,000/- from the petitioner no.1 by Pay order. At the time of second motion, the respondent no. 2 also received further a sum of Rs.1,50,000/- from the petitioner no. 1 by Pay order. On 28.11.2016, a decree of divorce by mutual consent was passed by the court of Ld. Additional Principal Judge, Family Court, Delhi dissolving the marriage between the petitioner no. 1 and the respondent no.2.

8. It is brought to the notice that a sum of Rs.1,00,000/- was paid to the respondent no. 2 by Demand Draft on 09.02.2016 at the time of disposal of bail application of petitioner no. 1 in Bail Application No. 56/2016 in this court. The remaining balance amount of Rs.1,00,000/- was paid by the petitioner no. 1 to the respondent by way of Demand Draft on 21.06.2017. The respondent no. 2 confirms having received the entire settlement amount of Rs.5 lacs.
9. The respondent no. 2 appears with her counsel today and she has been duly identified by the IO. She confirms that she has willingly settled the matter with the petitioners without any force or coercion and she does not want to pursue her FIR.
10. IO through the ASC submits that the charge-sheet has not been filed as the parties have amicably arrived at the settlement.
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 matter in the FIR bearing No. 775/2015, registered on 20.05.2015 with PS Tilak Nagar, Delhi, under Section 498A/406/34 IPC. Hence, to secure ends of justice, the FIR bearing No775/2015,

registered on 20.05.2015 with PS Tilak Nagar, Delhi, under Section 498A/406/34 IPC and proceedings arising out of the same are hereby quashed.

12. The petition is disposed of.

VINOD GOEL, J.

JULY 25, 2017
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