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

+ W.P.(CRL) 1283/2017

RAHUL SHARMA & ORS Petitioners
Through: Mr. Ajay Paul, Advocate

versus

THE STATE OF NCT OF DELHI & ANR Respondents
Through; Ms. Kamna Vohra, ASC for the State
with SI Mahender, PS Keshav Pura, Delhi.
Respondent no. 2 in person with her father.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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24.07.2017

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. 522/2014, registered on 22.08.2014 with PS Keshav Puram, Delhi, under Section 498A/406/34 IPC.
2. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 17.06.2012 near Ganesh Temple, Keshav Puram, Delhi as per Hindu rites and ceremonies. However, no issue out of the said wedlock was born out.
3. The petitioner no. 2 and 3 are the parents of petitioner no. 1, petitioner no. 4 is the sister of the petitioner no. 1, and petitioner no. 5 is the uncle of the 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 05.01.2013 and she started living with her parents.
5. The respondent no. 2 filed an application on 16.09.2014 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'DV Act') and another petition under Section 125 of Cr.PC for maintenance against the petitioner no.1 before Principal Judge, Family Court. She also lodged a complaint, which culminated into FIR No. 552/2014 on 22.08.2014 under Section 498A/406/34 of IPC with PS Keshav Puram, Delhi.
6. The parties have amicably settled their dispute on 16.09.2016. It was reduced to writing. Copy of the settlement is already placed on record.
7. As per this settlement, the parties have decided to part their company from each other and obtain a decree of divorce by mutual consent. It has also been settled that the petitioner no. 1 shall pay Rs.15,20,000/- 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 both the above said petition i.e. under Section 12 of the DV Act and petition under Section 125 of Cr.PC.
8. Pursuant to this settlement, the respondent no.2 had withdrawn her

two applications filed under Section 12 of the DV Act from the court of Ld.MM-02, Mahila Court, Shahdara District Karkardooma, Delhi on 03.11.2016. Respondent no. 2 also submits that she has also withdrawn the petition under Section 125 of Cr.PC from the court of Ld. Principal Judge, Family Court, Rohini, Delhi. It is submitted that the first motion was allowed on 23.09.2016 by the Principal Judge, Family Court (North-West), Rohini, Delhi and at the time of recording the statement of the parties in the first motion, the respondent no. 2 had received an amount of Rs.6,00,000/- 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.6,00,000/- from the petitioner no. 1 by Pay order. On 12.04.2017, a decree of divorce was passed by the court of Ld. Principal Judge, Family Court, Rohini, Delhi dissolving the marriage between the petitioner no. 1 and the respondent no.2.

9. Today, as per the settlement between the parties, the petitioner no. 1 has delivered a pay order bearing no. 426743 dated 20.07.2017 for Rs.3,20,000/- drawn on Syndicate Bank, Sadar Bazar Branch, Delhi to the respondent no. 2, which is the balance settlement amount. Respondent No.2 has accepted the same. She confirms having received Rs.12 lakhs earlier as mentioned above.
10. The respondent no. 2 appears with her father 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 further.

11. IO through the ASC submits that the charge-sheet has not been filed as the parties have amicably arrived at the settlement.
12. 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. 522/2014, registered on 22.08.2014 with PS Keshav Puram, Delhi, under Section 498A/406/34 of IPC. Hence, to secure ends of justice, the FIR bearing No. 522/2014, registered on 22.08.2014 with PS Keshav Puram, Delhi, under Section 498A/406/34 of IPC and proceedings arising out of the same are hereby quashed.
13. The petition is disposed of.

VINOD GOEL, J.

JULY 24, 2017
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