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

+ W.P.(CRL) 1284/2017

DINESH BHANDARI & ORS Petitioners

Through: Mr.Aditya Tripathi, Advocate
along with petitioners in person.

versus

STATE OF NCT DELHI & ANR Respondents

Through: Mr.Ashish Aggarwal, ASC for
State with Mr.Piyush Singhal, Advocate
along with IO ASI Rajpal Singh, PS Madhu
Vihar, Delhi.

Ms.Samta Jain, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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07.09.2017

1. Status report has been filed.
2. Respondent No.2 is present. She is being represented by her counsel. She is duly identified by the IO ASI Rajpal Singh.
3. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 (in short "Cr.P.C.") for quashing of the FIR bearing No. 1049/2014, registered against them on 16.09.2014 with Police Station Madhu Vihar, East District, Delhi under Sections 498A/406/506/34 IPC on the complaint of respondent No.2.
4. Petitioner No. 2 is the father of petitioner no.1, petitioner no.3 is

the brother of petitioner no.1 and petitioner no. 4 is the wife of petitioner no. 3.

5. The marriage of the petitioner No.1 with the respondent no. 2 was solemnized on 29.04.2013 as per Hindu rites and ceremonies at Ghaziabad, Delhi. However, out of this wedlock no child was born.
6. After solemnization of marriage, the couple started living 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 15.11.2013 and started living with her parents.
7. Respondent No.2 filed a petition for maintenance u/s 125 of Cr.P.C against the petitioner No.1 in the court of learned Principal Judge, Family Courts, Karkardooma Courts, Delhi. She also preferred a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2015 (in short “D.V. Act”) before the court of the learned MM, Mahila Court, Karkardooma Courts, Delhi. She lodged a complaint with CAW Cell which culminated into the said FIR.
8. Subsequent to the registration of the said FIR, the parties had amicably settled and resolved all their disputes. At this stage, learned counsel for petitioner has handed over a copy of the Memorandum of Understanding/Compromise Deed dated 17.05.2016, executed between petitioner no.1 and respondent no.2 which is taken on record. 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.3,50,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance and cost of dowry/*stridhan* articles. The respondent no. 2 had also agreed to withdraw both her petitions filed under Section 12 of D.V. Act and 125 of Cr.PC from the concerned courts.

9. The respondent No.2 states that she had voluntarily resolved all disputes with the petitioners without any coercion or force.
10. Pursuant to this settlement, the respondent no. 2 submits that she had withdrawn both her petitions filed under Section 12 of D.V. Act from the court of learned MM, Mahila Court, Delhi and under Section 125 of Cr.PC from the court of learned Principal Judge, Family Court, Delhi. At the time of recording the settlement between the parties, a sum of Rs.50,000/- was paid by the petitioner no. 1 to the respondent no. 2. At the time of recording of the statements of the parties in the first motion petition, a sum of Rs.1,00,000/- was further paid by the petitioner no. 1 to the respondent no. 2. At the time of recording of the statements of the parties in the second motion petition, further a sum of Rs.1,50,000/- was paid by the petitioner no. 1 to the respondent no. 2. Petitioner no.1 and respondent no.2 and learned counsel for the parties submit that a decree of divorce by mutual consent was awarded on 09.02.2017 by the court of learned Principal Judge, Family

Courts, Karkardooma Courts, Delhi by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

11. Today, the petitioner No.1 has paid the balance settlement amount of Rs.50,000/- vide Demand Draft No. 143964 dated 06.07.2017 issued by State Bank of India, Palam Village, Delhi to respondent No.2, which she has accepted. The respondent no. 2 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.
12. Learned ASC through the IO submits that the charge sheet has so far not been filed.
13. Both the parties submit that now nothing is due and recoverable by them against each other. The matter had been amicably settled between the parties and no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the said FIR bearing No. 1049/2014, registered on 16.09.2014 with Police Station Madhu Vihar, (East Delhi District), Delhi under Sections 498A/406/506/34 IPC and proceedings arising out of the said FIR are hereby quashed.
14. The petition is disposed of accordingly.
15. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 07, 2017

"shailendra"