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

+ **W.P.(CRL) 1382/2017**

SUKHPREET SINGH & ORS

..... Petitioners

Through: Mr. S.C. Jain, Advocate with Mr.Gaurav Jain, Advocates along with petitioners in person.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Ms. Mallika Parmar and Mr.Ashish Negi, Advocates for Ms.Richa Kapoor, ASC for State.

Respondent no. 2 in person along with her parents.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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18.07.2017

1. 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 for quashing of the FIR bearing No. 21/2016, registered on 03.03.2016 with PS CAW Cell, Nanak Pura, New Delhi, under Section 498A/406/34 of IPC.
2. The marriage of the petitioner no. 1 and the respondent no. 2 was solemnized on 22.03.2015. After solemnization of marriage, the petitioner no. 1 and respondent no. 2 started living at G-1/6, Malviya Nagar, New Delhi.

3. The petitioner no. 2 and 3 are the parents of petitioner no. 1, petitioner no. 4 is the married sister of the petitioner no. 1 and the petitioner no. 5 is the husband of the petitioner no. 4.

4. Due to some differences, the petitioner no. 1 and respondent no. 2 started residing separately since 22.04.2015. The respondent no. 2 left the matrimonial home and started residing with her parents.

5. The respondent no. 2 lodged the FIR No. 21/2016 on 03.03.2016 under Section 498A/406/34 of IPC. The application for anticipatory bail was filed by the petitioner no. 1, which was considered by learned ASJ on 25.04.2016. It was submitted before learned ASJ that the matter was amicably settled by MoU of even date between the parties and the petitioner no. 1 was granted anticipatory bail on 25.04.2016 by the learned ASJ, Dwarka Courts, New Delhi.

6. Pursuant to that settlement, the petitioner no. 1 had paid Rs.1,20,000/- by cash and Rs.1,05,000/- by cheque to respondent no. 2 before the learned ASJ on 25.04.2016. At that time the petitioner no.1 also returned one gold Kada and one gold ring to the respondent no. 2, which was accepted by the respondent no. 2. The parties have also applied for grant of divorce by mutual consent. It is submitted that on 16.05.2016 at the time of recording the statement of the parties in the petition under Section 13-B (1) of Hindu Marriage Act before the Principal Judge, Family Court, Saket, New Delhi, a sum of Rs.3,00,000/- was further paid by the petitioner no. 1 to respondent no. 2 by way of pay order. Second motion petition was also taken up by the learned Principal Judge, Family Court, Saket, New Delhi on 08.12.2016 and a further sum of Rs.3,00,000/- was paid to respondent no. 2 by way of pay order. On 20.12.2016, a decree of divorce dissolving marriage of petitioner

no. 1 and the respondent no. 2 by the Principal Judge, Family Courts, Saket, New Delhi was granted.

7. Pursuant to this settlement, it is submitted by the petitioner no. 1 as also by the respondent no. 2 that the respondent no. 2 had withdrawn her application filed under Protection of Women from Domestic Violence Act, 2005 before the learned MM, Mahila Courts, Tis Hazari Courts, Delhi. The respondent no. 2 also submits that she had also withdrawn her petition for annulment of marriage from Family Court, Tis Hazari Courts, Delhi on 24.10.2016. The petitioner no. 1 submits that he had withdrawn his petition filed under Section 9 of Hindu Marriage Act for restitution of conjugal rights from Family Court, Saket, New Delhi on 08.07.2016.

8. Respondent no. 2 submits that on the last date of hearing when she came to attend the proceedings in this matter, the petitioner no. 1 hurled filthy abuses on her outside the court. The petitioner no. 1 and his learned counsel submit that the petitioner no. 1 will file an undertaking within three days to the effect that he shall neither harass the respondent no. 2 in any manner nor use abusive language against her and will not interfere in her life.

9. Today the petitioner no. 1 has delivered one pay order bearing no. 255045 dated 13.07.2017 for Rs.3,00,000/- drawn on Bank of Baroda, Defence Colony Branch, New Delhi to the respondent no. 2, which she has accepted.

10. Both the parties submit that now nothing is due and recoverable 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. 21/2016, registered with PS CAW Cell, Nanak Pura, New

Delhi, under Section 498A/406/34 of IPC. Subject to filing of the undertaking by the petitioner no. 1 within three days, the FIR bearing No. 21/2016, registered with PS CAW Cell, Nanak Pura, New Delhi, under Section 498A/406/34 of IPC and proceedings arising out of the same are hereby quashed.

11. The petition is disposed of.

VINOD GOEL, J.

JULY 18, 2017

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