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

+ W.P.(CRL) 1571/2017

SHYAM DAYAL & ORS.

..... Petitioners

Through Mr. G.S. Maken, Advocate and
petitioners in person.

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Ms. Sanjay Lao, ASC for the State/R-1
& R-2 with SI Ria Jhakar, P.S. Delhi Cantt, Delhi
Respondent No.3 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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05.09.2017

1. Status report has been filed.
2. Respondent No.3 appears in person. She is duly identified by IO SI Ria Jhakar.
3. 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.154/2011, registered on 09.08.2011 against them with P.S. Delhi Cantt, (CAW Cell, Sector 9, Dwarka) under Section 498A of the IPC and Section 3 of the Dowry Prohibition Act, on the complaint of respondent No.2.

4. The marriage of the petitioner no.1 and the respondent no.3 was solemnized on 15.02.2009 as per Hindu rites and ceremonies. Out of this wedlock, a male child namely Sidharth was born in her parental home.
5. After solemnization of their marriage, the petitioner no. 1 and the respondent no. 3 started residing together in the matrimonial home. Due to some temperamental differences between the petitioner no. 1 and the respondent no. 3, they could not reconcile with each other. Resultantly, the respondent no.3 left the matrimonial home on 27.10.2009 and started residing with her parents.
6. The respondent no.3 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners. She had also filed a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'DV Act') before the learned MM, Mahila Court, Dwarka Courts, New Delhi. The petitioner had also filed a petition for divorce on the ground of cruelty and desertion against the respondent No.3 before the Principal Judge, Patiala House Courts, New Delhi.
7. On making a reference by the learned MM, Mahila Court, Patiala House Courts, Delhi, the parties appeared before the learned Mediator, Delhi Mediation Centre, Dwarka Courts, New Delhi. On 07.04.2016, the petitioner No.1 and respondent No.3 had amicably settled their all disputes. The petitioner No.1 and respondent No.3 had agreed 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.2,50,000/- to the respondent no.3 in full and final

settlement of her all claims including the maintenance, permanent alimony and cost of dowry/*stridhan* articles.

8. Pursuant to this settlement, at the time of recording the statement of the parties in the first motion petition, a sum of Rs.1,00,000/- was paid by the petitioner no. 1 to the respondent no.3. Further, a sum of Rs.1,00,000/- was paid by the petitioner No.1 to the respondent No.3 at the time of recording their statement in the second motion petition. A decree of divorce by mutual consent was awarded on 09.01.2017 by the court of learned Principal Judge, Family Courts, New Delhi by which the marriage between the petitioner no. 1 and the respondent no.3 was dissolved.
9. The respondent No.3 present in the court states that pursuant to the settlement she had withdrawn her both the petitions under Section 12 of the D.V. Act.
10. Today, the petitioner No.1 has paid the balance settlement amount of Rs.50,000/- vide DD No.251522 issued by Axis Bank Ltd, New Delhi in favour of respondent No.3. The respondent No.3 present in the court states that she has voluntarily settled and resolved their all dispute with the petitioners without any force and coercion. She further 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.
11. Learned ASC through IO submits that the charge sheet has so far not been filed.
12. 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 purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.154/2011, registered on 09.08.2011 against them with P.S. Delhi Cantt, (CAW Cell, Sector 9, Dwarka) under Section 498A of the IPC and Section 3 of the Dowry Prohibition Act and proceedings arising out of the said FIR are hereby quashed.

13. The petition is disposed of accordingly.
14. DASTI.

VINOD GOEL, J.

SEPTEMBER 05, 2017

"sandeep"