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

+ W.P.(CRL) 1519/2017

AMIT SAINI & ORS. Petitioners

Through: Mr. B.S.Rana, Advocate along
with petitioners in person.

versus

STATE (NCT OF DELHI) & ORS. Respondents

Through: Mr. Rajesh Mahajan, ASC for
State along with ASI Ramesh Kumar, PS
BHD Nagar, Delhi.

Mr.Satyam Sisodia, Advocate for R-2 along
with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

04.09.2017

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1. Status report has been handed over in court. The same is taken on record.
2. Respondent No.2 is present. She is being represented by her counsel. She is duly identified by the IO ASI Ramesh Kumar.
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.834/2014, registered against them on 31.12.2014 with Police Station Baba Haridas Nagar, Delhi (South West District), under Sections 498A/406/34 IPC on the complaint of respondent No.2.

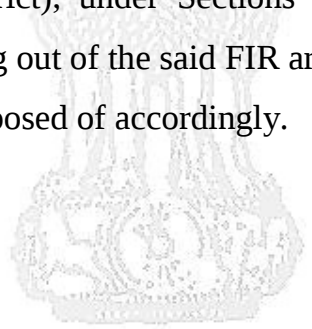
4. The marriage of the petitioner No.1 with the respondent no. 2 was solemnized on 02.06.2013 as per Hindu rites and ceremonies at Najafgarh, Delhi. However, out of this wedlock no child was born.
5. After solemnization of marriage, the couple started living at the matrimonial home. Due to some temperamental 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 08.02.2014 and started living with her parents.
6. Petitioner No. 2 and 3 are the parents of petitioner no.1 and petitioner no. 4 is the sister of petitioner no.1.
7. Respondent No.2 also filed a petition for maintenance u/s 125 of the Code of Criminal Procedure, 1973 (in short Cr.P.C) against the petitioner No.1 in the court of learned Principal Judge, Family 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, Delhi. She lodged a complaint with CAW Cell which culminated into the said FIR.
8. On making a reference by the learned MM, Mahila Court, Delhi, the parties appeared before the learned Mediator, Delhi Mediation Centre, Dwarka Courts, New Delhi. On 15.07.2016, petitioner no. 1 and the respondent no.2 resolved and settled their all disputes before the learned Mediator. 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.2,50,000/- 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 her both petitions filed under Section 12 of D.V. Act and 125 of Cr.PC.

9. Pursuant to this settlement, at the time of recording of the statements of the parties in the first motion petition, a sum of Rs.1,25,000/- was paid by the petitioner no. 1 to the respondent no. 2. A decree of divorce by mutual consent was awarded on 28.03.2017 by the court of learned Principal Judge, Family Courts, Delhi by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved. The respondent No.2 states that she had voluntarily resolved all disputes with the petitioners without any coercion or force. The respondent no. 2 submits that she had withdrawn her both 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.
10. Today, the petitioner No.1 has paid the balance settlement amount of Rs.1,25,000/- vide three separate Demand Drafts i.e. (i) 305642 for Rs.49,000/- (ii) 305643 for Rs.49,000/- & (iii) 305644 for Rs.27,000/-, all dated 04.09.2017 issued by UCO Bank, Delhi High Court Branch, New 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.

11. Learned ASC through the 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 fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.834/2014, registered on 31.12.2014 with Police Station Baba Haridas Nagar, Delhi (South West District), under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
13. The petition is disposed of accordingly.
14. DASTI.



VINOD GOEL, J.

SEPTEMBER 04, 2017

"shailendra"

सत्यमेव जयते