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

+ W.P.(CRL) 1507/2017

SOURABH SHARMA & ORS

..... Petitioners

Through: Ms.Tanya Mahajan, Advocate with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms.Nandita Rao, ASC for State with
SI Anju Tyagi, PS Hari Nagar, Delhi.
Ms.Sumedha Arya, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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18.09.2017

1. Respondent no. 2 is present in person. She is being represented by her counsel. She is duly identified by IO SI Anju Tyagi.
2. 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.1174/2015, registered on 22.08.2015 against them with Police Station Hari Nagar, West District, Delhi, under Sections 498A/406/354/354(A)/34 IPC on the complaint of respondent No.2.
3. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 21.02.2015 as per Hindu rites and ceremonies in Delhi. However, out of this wedlock no child was born.
4. The petitioner no.2 is the father of the petitioner no.1. The petitioner

no.3 is the mother of the petitioner no.1. The petitioner No.4 is the brother of the petitioner no.1.

5. After solemnization of their marriage, the petitioner no.1 and the respondent no.2 started residing together in 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 01.07.2015 and started residing separately.
6. The respondent no.2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners.
7. On making a reference in bail application by this Court, the petitioner no.1 and respondent no.2 had appeared before the Delhi High Court Mediation and Conciliation Centre. On 30th August, 2016, they had resolved and settled all their disputes before the Ld. 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.4,00,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance and cost of dowry/*stridhan* articles. Petitioner no.1 and respondent no.2 had agreed that they shall exchange articles/jewellery articles with each other as mentioned in Annexure-A and Annexure-B.
8. Pursuant to this settlement, Rs.1 lac was paid by the petitioner no.1 to the respondent no.2 at the time of disposal of the bail application by this Court. 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. 2. Further, a sum of Rs.1,00,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statement in the second motion petition. A decree of divorce by mutual consent was granted on 20.04.2017 by the court of learned Principal Judge, Family Court, West, Tis Hazari Courts, Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

9. The respondent No.2 states that she had voluntarily settled and resolved all disputes with the petitioners without any force and coercion. Petitioner no.1 and respondent no.2 submit that they had exchanged articles/jewellery articles with each other as mentioned in Annexure-A and Annexure-B.
10. Today, the petitioner No.1 has paid the balance settlement amount of Rs.1,00,000/- vide DD No.295667 dated 07.09.2017 issued by South Indian Bank, in favour of respondent No.2, which has been accepted by her. She 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. Since the parties have amicably settled all their disputes, no fruitful purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.1174/2015, registered on 22.08.2015 with Police Station Hari Nagar, West District, Delhi, under Sections 498A/406/354/354(A)/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 18, 2017/jitender