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

+ W.P.(CRL) 1559/2017

VIRENDER & ORS

..... Petitioners

Through: Mr. Shanif Ahmed, Advocate along with
petitioners in person.

versus

STATE (GOVT OF NCT, DELHI) & ANR Respondent

Through: Mr. Piyush Singhal, Advocate for
Mr. R.S. Kundu, ASC for the State with ASI
Kuldeep Singh, PS Neb Sarai, Delhi.

Mr. Shakeel Ahmed, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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04.09.2017

1. The petitioners have invoked the writ jurisdiction of this court under Article 226 & 227 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. 372/2016, registered on 30.04.2016 against them with Police Station Neb Sarai, South District, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
2. Respondent No.2 is present. She is being represented by her counsel. She is duly identified by IO ASI Kuldeep Singh.
3. The marriage of the petitioner no.1 and the respondent no. 2 was

solemnized on 02.05.2013 as per Hindu rites and ceremonies at Community Centre, Pushp Vihar, Delhi. Out of this wedlock no child was born.

4. 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 31.08.2014 and started residing with her parents.
5. The respondent no. 2 filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2015 (in short “D.V. Act”) vide CC No. 49/1/2014 before the court of the learned MM, Mahila Court, South District, Saket, New Delhi. She also lodged a complaint with CAW Cell which culminated into said FIR.
6. The petitioner no. 1 had also filed a Criminal Revision Petition No. 7/2016 against order granting interim maintenance passed by the learned MM, Mahila Court, New Delhi.
7. On making a reference by the learned ASJ-03, South District, Saket in Criminal Revision No. 7/2016, both the parties appeared before the learned Mediator, Delhi Mediation Centre, Saket, New Delhi. On 19.09.2016, petitioner no. 1 and the respondent no.2 resolved and settled all their 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.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. The petitioner no. 1 had agreed to withdraw his appeal from the court of learned ASJ. The respondent no. 2 had also agreed to withdraw her petition filed under Section 12 of D.V. Act.

8. Pursuant to this settlement, at the time of recording of the statement of the parties in the first motion petition, a sum of Rs.1,50,000/- was paid by the petitioner no. 1 to the respondent no. 2. Further, a sum of Rs.1,50,000/- was paid by the petitioner No.1 to the respondent No.2 at the time of recording their statements in the second motion petition. A decree of divorce by mutual consent was awarded on 03.05.2017 by the court of learned Principal Judge, Family Courts, South District, Saket Courts, New Delhi by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.
9. Today, the petitioner No.1 has paid the balance settlement amount of Rs.1,00,000/- vide DD No.503034 dated 25.08.2017 issued by ICICI Bank, G.K.-II 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. The respondent No.2 states that she had voluntarily resolved all disputes with the petitioners without any coercion or force. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be quashed.
10. Learned ASC through the IO submits that the charge sheet has so far not been filed.
11. 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. 372/2016, registered on 30.04.2016 with Police Station Neb Sarai, South District, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.

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

VINOD GOEL, J.

SEPTEMBER 04, 2017/
"shailendra"