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

+ W.P.(CRL) 1707/2017

VIMAL KUMAR & ORS

..... Petitioners

Through: Mr.Ankit Gupta, Adv. with Ms.Isha Agarwal, Adv. with petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Ms.Kamna Vohar, ASC for State with SI Gajender Singh, PS Mahendra Park, Delhi.
Mr.Pankaj Mehta, Adv. with Mr.R.K. Mehta, Mr.Parmod Kalirana and Ms.Shweta Soni, Adv. for R-2 along with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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19.09.2017

1. Respondent no. 2 is present in person. She is being represented by her counsel. She is duly identified by IO SI Gajender Singh.
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.0197/2016, registered on 02.04.2016 against them with Police Station Mahendra Park, North West District, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
3. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 27.11.2014 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.
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 25.07.2015 and started residing separately.
6. The respondent no.2 lodged a complaint with CAW Cell which culminated into said FIR against the petitioners.
7. The respondent No.2 preferred a petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'DV Act') against the petitioners in the court of learned MM, Mahila Court, Rohini Courts, Delhi. She also filed a petition u/s 125 of Cr.P.C. for maintenance against the petitioner No.1 before the learned Principal Judge, Family Courts, Rohini, Delhi.
8. The petitioner no.1 and respondent no.2 had resolved and settled all their disputes in terms of Memorandum of Understanding dated 10th July, 2016. 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.11,00,000/- to the respondent no. 2 in full and final settlement of her all claims including the maintenance and cost of dowry/*stridhan* articles.
9. Pursuant to this settlement, Rs.1 lac was paid by the petitioner no.1 to the respondent no.2 at the time of recording the statement of the

parties in the first motion petition. Further, a sum of Rs.5,00,000/- 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 08.05.2017 by the court of learned Principal Judge, Family Court, District North, Rohini Courts, Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.

10. The respondent No.2 states that she had voluntarily settled and resolved all disputes with the petitioners without any force and coercion. The respondent no. 2 submits that she had withdrawn both her respective petitions.
11. Today, the petitioner No.1 has paid the balance settlement amount of Rs.5,00,000/- vide DD No.077875 dated 14.09.2017 issued by Indian Overseas 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.
12. Learned ASC through IO submits that the charge sheet has so far not been filed.
13. 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.0197/2016, registered on 02.04.2016 with Police Station Mahendra Park, North West District, Delhi, under Sections

498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.

14. The petition is disposed of accordingly.
15. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 19, 2017/jitender