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

+ **W.P.(CRL) 1671/2017 & CrI.M.A. 9258/2017 (stay)**

HARI SHANKAR RAIKWAR & ORS

..... Petitioners

Through: Ms.Gulshan Jahan, Advocate with
Mr.Surya Kamal Mishra, Advocate for petitioners
along with petitioner no. 1 and 2 in person.

versus

STATE & ANR

..... Respondents

Through: Mr.R.S. Kundu, ASC for State with
Mr.Prem Sagar Pal and Mr.Bhagat Singh,
Advocates along with SI Gopal Singh, PS
Mehrauli, Delhi.

Mr.Rizwan Ali, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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13.10.2017

1. Status report has already been filed.
2. Respondent No.2 appears in person. She is being represented by her counsel. She is duly identified by IO SI Gopal Singh.
3. The petitioners have invoked the writ jurisdiction of this court under Article 226 & 227 of the Constitution of India for quashing of the FIR bearing No. 0806/2015, registered against them on 21.03.2015 with Police Station Mehrauli, District South, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.
4. The marriage of the petitioner with the respondent no. 2 was solemnized on 13.05.2002 as per Hindu rites and ceremonies in New

Delhi. Out of this wedlock, two male children namely Deepak and Dev were born on 18.11.2003 and 06.10.2007 respectively.

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 in the year 2010 and started residing separately.
6. The respondent No.2 lodged a complaint against the petitioners before the CAW Cell which culminated into the said FIR. She 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, Saket, New Delhi. She also preferred an execution petition before learned MM, Mahila Court, Saket, New Delhi.
7. The petitioner no. 1 filed a petition for divorce against the respondent no. 2 under Section 13 of the Hindu Marriage Act, 1955 bearing No.351/2013 before the learned Principal Judge, Family Court, Jhansi, U.P. and an *ex parte* decree of divorce was granted on 09.05.2014 in favour of the petitioner no. 1 and against the respondent no.2.
8. On making a reference by the learned MM, Mahila Court, South District, Saket, New Delhi, the parties appeared before Delhi Mediation Centre, Saket, Delhi. On 18.11.2016, the parties had amicably resolved and settled all their disputes before the learned Mediator. By the mediation settlement, 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, which includes maintenance and costs of dowry and *stridhan* articles. The respondent no. 2 had agreed to withdraw her petition filed under Section 12 of DV Act and also the execution petition from the court of learned MM, Mahila Court, Saket, New Delhi.

9. The respondent No.2 states that she had voluntarily settled and resolved all her disputes with the petitioners without any force and coercion.
10. The respondent no. 2 submits that she had received a sum of Rs.1,50,000/- from the petitioner no. 1 at the time of withdrawal of execution petition. She submits that on 10.03.2017, she had received further a sum of Rs.1,50,000/- from the petitioner no. 1 at the time of withdrawal of petition under Section 12 of DV Act. She submits that she had withdrawn both her petitions from the court of learned MM, Mahila Court, Saket, New Delhi. She further submits that she accepts the *ex parte* divorce granted by the court of learned Principal Judge, Family Court, Jhansi, U.P. in HMA Case No. 351/2013 on 09.05.2014.
11. Today, the petitioner No.1 has paid the balance settlement amount of Rs.1,00,000/- by handing over a DD No. 097836 dated 09.10.2017 drawn on State Bank of India, Jhansi Branch, U.P. in favour of respondent No.2, which has been accepted by her.
12. The respondent No.2 submits that she has received the entire settlement amount from the petitioner. She submits that she does not want to pursue the said FIR. She submits that the said FIR may be

quashed.

13. Learned ASC through the IO submits that the charge sheet has so far not been filed.
14. 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.0806/2015, registered against them on 21.03.2015 with Police Station Mehrauli, District South, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
15. The petition and pending application CrI.M.A.9258/2017 are disposed of accordingly.
16. *DASTI.*

VINOD GOEL, J.

OCTOBER 13, 2017

"shailendra"