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

+ W.P.(CRL) 1753/2017

VIKAS KUMAR & ORS. Petitioners

Through: All petitioners in person.

versus

THE STATE & ANR. Respondents

Through: Ms. Kamna Vohra, ASC for the State
with SI Vikrant, PS Seema Puri, Delhi.

Mr. RPS Bhatti, Advocate for R-2 with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **25.09.2017**

Crl.M.A. 9651/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 1753/2017

1. Status report has been filed.
2. Respondent No.2 appears in person. She is being represented by her counsel. She is duly identified by IO Vikrant.
3. The petitioners submit that their counsel is not available today on account of being unwell. They submit that they have come all the way from District Sitamarhi, Bihar, hence their petition may be considered.
4. 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.1371/2015, registered against them on 28.09.2015 with Police Station Seemapuri, District North East, Delhi, under Sections 498A/406/34 IPC on the complaint of respondent No.2.

5. The marriage of the petitioner no.1 with the respondent no. 2 was solemnized on 08.06.2011 as per Hindu rites and ceremonies. However, out of this wedlock, no child was born.
6. 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 25.06.2012 and started residing separately.
7. 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, Karkardooma 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, Karkardooma, Delhi.
8. The petitioner no.1 and respondent no.2 had amicably resolved and settled all their disputes before the learned Principal Counsellor attached to the Family Court, Shahdara District, Karkardooma Courts, Delhi. 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.1,50,000/- to the respondent no. 2 in full and final settlement of all her claims, which includes maintenance and costs of dowry and *stridhan* articles. The petitioner No.1 had also agreed to return gold chain and gold ring to the respondent No.2. The respondent no. 2 had agreed to withdraw both her petitions.

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. Pursuant to the settlement, respondent no. 2 submits that she had withdrawn both her petitions. It is submitted that at the time of filing the first motion petition, a sum of Rs.25,000/- was paid by the petitioner 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.50,000/- was paid by the petitioner no.1 to the respondent no.2. At the time of recording the statement of the parties in the second motion petition, Rs.50,000/- was paid by the petitioner No.1 to the respondent No.2. A decree of divorce by mutual consent was granted on 23.02.2017 by the court of learned Principal Judge, Family Court, Shahdara, Delhi, by which the marriage between the petitioner no. 1 and the respondent no.2 was dissolved.
11. Today, the petitioner No.1 has paid the balance settlement amount of Rs.25,000/- by cash to the respondent No.2.
12. The respondent No.2 submits that she has received the entire settlement amount from the petitioner No.1. She submits that she had

already received the gold chain and gold ring 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.

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.1371/2015, registered on 28.09.2015 with Police Station Seemapuri Puri, District North East, Delhi, under Sections 498A/406/34 IPC and proceedings arising out of the said FIR are hereby quashed.
15. The petition is disposed of accordingly.
16. *DASTI.*

VINOD GOEL, J.

SEPTEMBER 25, 2017
"sandeep"